THE

NEBRASKA

QUESTION

COMPRISING

SPEECHES IN THE UNITED STATES SENATE

BY

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TOGETHER WITH

THE HISTORY OF THE MISSOURI COMPROMISE

DANIEL WEBSTER'S MEMORIAL IN REGARD TO IT—HISTORY OF THE ANNEXATION OF TEXAS—THE ORGANIZATION OF OREGON TERRITORY—AND THE COMPROMISES OF 1850.

REDFIELD
110 AND 112 NASSAU STREET, NEW YORK.
1854.

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13 Chambers St., New York

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PREFACE.

THE importance of the NEBRASKA QUESTION, and the all-absorbing interest of the public in relation to it, will be deemed sufficient reasons for the appearance of this pamphlet. The enactment of the Missouri Compromise in 1820 did not excite a deeper or more general feeling among the people than does its threatened repeal in 1854. A generation, almost has passed away since the first event took place, and its unwritten history is nearly forgotten. The proposed organization of the Territories of NEBRASKA and KANSAS has reopened the whole subject. The admission of Missouri, the annexation of Texas, the organization of Oregon Territory, the Compromise Acts of 1850, and the NEBRASKA-KANSAS Bills, form a chain of great events whose histories are indissolubly interwoven. One object of this publication is to present a brief but intelligible sketch of these earlier transactions, in connection with the recent debate in the Senate of the United States, on the "Nebraska Question," as it has been termed. This question, as is well known, involves not only the organization of the Territories, but the greater subjects of Indian treaties, and Slavery extension.

Nearly all the Speeches which had been made in the Senate, on the NEBRASKA Bill, by its friends and opponents, at the time this pamphlet went to press, are contained in its pages. The reader has thus before him the whole subject fairly stated and fully discussed.

THE MISSOURI COMPROMISE.

In 1818 the Legislature of the Territory of Missouri, resolved to petition Congress for admission into the Union as a State, and on the 18th of December, of that year, the petition was received by Congress.

Passing over the preliminary and incidental proceedings and debates, we come to the main question, which was a proposition made on the 19th of February, 1819, in the form of an amendmen', in these words:—"That the further introduction of slavery, or involuntary servitude, be prohibited," &c., in the embryo state. This amendment received 87 votes against 76, in the House. On the 15th of March, James Tallmadge, of New York, moved an amendment, embracing the above restriction with this addition,—"All children born within said state after the admission thereof, shall be free at the age of 25 years." Adopted: ayes, 79; nays, 67. The Senate struck out this amendment when the bill came before that body, by a vote of 22 to 16. But the House refused to agree. For concurring, 70; against it, 78. The Senate again took up the subject, and voted to adhere to their former decision, and sent a message to the House to that effect. The House was equally obstinate, and on the final vote stood, for adhering to their restriction 78 to 66. Mr. Tallmadge vigorously sustained his amendment throughout the whole controversy. The adherence of the two Houses to their own antagonistic positions precluded any further action at that time, and the bill was lost. At the next session, Mr. Taylor, of New York, moved the following resolution:—"Resolved, That a committee be appointed with instructions to report a bill prohibiting the further admission of Slaves into the Territories of the United States, west of the Mississippi." This resolution was postponed on the 28th December, 1820, by a vote of 82 to 62. Mr. Taylor remarked in the debate that, he knew of no one who doubted the constitutional power of Congress to make the prohibition. At the commencement of this session, a bill was introduced for the admission of Maine into the Union, which passed the House. A section providing for the admission of Missouri, also, was tacked to this bill, by the Senate. Several unsuccessful efforts were made to separate the two propositions. A motion of Mr. Roberts, of Pa., to that effect, was lost 18 to 25. On another day, a similar motion was defeated, 21 to 23. On the 18th of January, 1820, Mr. Thomas, of Illinois, introduced in the Senate the celebrated slavery restriction, whereby slavery was to be *for ever* excluded from all territory north of 36° 30', north latitude. After an exciting debate the matter was referred to a select committee,—Messrs. Thomas, Burrill, Johnson, Palmer, and Pleasants.

The Missouri bill coming up in the House, a motion was made by Mr. Taylor to postpone, and lost 87 to 88.

Mr. Taylor, of New York, moved and advocated the restriction clause in the House, and Mr. Holmes, of Maine, opposed it.

A motion to exclude slavery from Missouri was lost in the Senate, by a vote of 16 to 27.

Yeas—Messrs. Morrill of N. H., Mellen, and Otis of Mass., Dana of Ct., Burrill of R. I., Tichenor of Vt., King and Sanford of N. Y., Dickerson and Wilson of N. J., Lowrie and Roberts of Pa., Ruggles and Trimble of Ohio, Noble and Taylor of Indiana.

Nays—Messrs. Parrott of N. H., Hunter of R. I., Lanman of Ct., Palmer of Vt., Van Dyke of Del., Lloyd and Pinkney of Md., Barbour and Pleasants of Va., Macon and Stokes of N. C., Gaillard and Smith of S. C., Elliott and Walker of Ga., Johnson and Logan of Ky., Eaton and Williams of Tenn., Brown and Johnson of La., Leake and Williams of Miss., Edwards and Thomas of Ills., King and Walker of Ala.

On the 17th of February, Mr. Thomas's amendment (the slavery restriction), was adopted by the Senate. Ayes 34; nays 10.

Ayes—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson, Ky., Johnson, La., King, Ala., King, N. Y., Lanman, Leake, Lloyd, Logan, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Pinckney, Roberts, Ruggles, Sanford, Stokes, Thomas, Tichenor, Trimble, Van Dyke, Walker, Ala., Williams, Tenn., Wilson.

Nays—Messrs. Barbour of Va., Elliott of Ga., Gaillard of S. C., Macon, of N. C. Noble of Ind., Pleasants of Va., Smith of S. C., Taylor of Ind., Walker of Ga., Williams of Miss.

Mr. Thomas's amendment reads as follows:—

"*And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby for ever prohibited: *Provided, always*, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

This amendment, was also moved in the House, by Mr. Storrs of New York.

After an ineffectual motion by Mr. Trimble, of Kentucky, to bring the north line of the State of Missouri about half a degree south of the line proposed, with a view to give Missouri a share of the fine valley at the Des Moines, the question was taken on ordering the bill, as amended, to be engrossed and read a third time by the following vote:

AYES—Messrs. Barbour, Brown, Eaton, Edwards, Elliott, Gaillard, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Parrott, Pinkney, Pleasants, Stokes, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, Williams of Tennessee.—24.

NOES—Messrs. Burrill, Dana, Dickerson, King of New York, Lanman, Lowrie, Macon, Mellen, Morril, Noble, Otis, Palmer, Roberts, Ruggles, Sanford, Smith, Taylor, Tichenor, Trimble, Wilson.—20.

So the bill was ordered to be engrossed and read a third time.

Mr. Macon, of North Carolina, and Mr. Smith, of South Carolina, were the only southern members who voted against this clause.

The bill, including both Maine and Missouri, passed the Senate. The House, however, disagreed to the combination of the two states in one bill, 93 to 72.

Mr. Thomas's amendment was disagreed to at this time 159 to 18. The whole subject then went to a committee of conference consisting of Senators Thomas Pinkney and Barbour: and Messrs. Holmes, Taylor, Lowndes, Parker, of Mass., and Kinsey, of the House. The result was that the admission of Missouri with Mr. Thomas' amendment was put in a separate bill, to the exclusion of Maine. It passed the House March 1, 1820, by a vote of 91 to 82, and the Senate, March 2, without a division. On a test vote, previous to the final passage of the bill, the House divided on the great question at issue, embodied in Mr. Thomas' and Mr. Storr's amendment, substantially as follows: for the prohibition of slavery, *forever*, north of 36° 30', 134 to 42 Nays.

The main question was taken on concurring with the Senate in inserting in the bill, in lieu of the State restriction, theclause inhibiting slavery in the territory north of 36° 30', north latitude, and was decided in the affirmative, by yeas and nays, as follows:

For inserting the substitute:—Messrs. Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Baker, Baldwin, Bateman, Bayly, Beecher, Bloomfield, Boden, Brevard, Brown, Brush, Bryan, Butler of New Hampshire, Campbell, Cannon, Case, Clagett, Clarke, Cocke, Cook, Crafts, Crawford, Crowell, Culbreth, Culpepper, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Earl, Eddy, Edwards of Pennsylvania, Fay, Fisher, Floyd, Foot, Forrest, Forsyth, Fuller, Fullerton, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hardin, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Hiester, Hill, Holmes, Hostetter, Kendall, Kent, Kinsley, Kinsey, Lathrop, Little, Lincoln, Linn, Livermore, Lowndes, Lyman, Macay, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Mercer, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, of Mass., Nelson of Mass., Patterson, Philson, Pitcher, Plumer, Quarles, Rankin, Rich, Richards, Richmond, Ringgold, Robertson, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Shaw, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Smith of North Carolina, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Strother, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Tucker of South Carolina, Upham, Van Rensselaer, Wallace, Warfield, Wendover, Williams of North Carolina, Wood.—138.

Against it:—Messrs. Abbot, Adams, Alexander, Allen of Mass., Archer of Virginia, Barbour, Buffum, Burton, Burwell, Butler of Louisiana, Cobb, Edwards of North Carolina, Ervin, Folger Garnet, Gross of New York, Hall of North Carolina, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, McCoy, Metcalf, Neale, Newton, Oversireet, Parker of Virginia, Pinckney, Pindall, Randolph, Reed, Rhea, Simkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Swearingen, Terrill, Tucker of Virginia, Tyler, Walker of North Carolina, Williams of Virginia—42.

In the Senate it stood 33 Ayes and 11 Nays. Slavery was permitted in Missouri by a vote of 27 to 15 in the Senate, and 90 to 87 in the House. That is, the restriction which originally applied to Missouri was struck out as a compensation for introducing Mr. Thomas' restriction upon territory north and west of Missouri.

Thus the exciting question was ended for the session, and the bill authorizing the people of Missouri to form a Constitution for a State Government became a law on the 6th March, 1820.

The bill for the admission of Maine became a law on the 3d March, 1820, to take effect from the 15th of the same month.

It will be seen that Mr. Clay had no more agency in this compromise than any other member who voted for it. He had earnestly opposed the restriction on Missouri, as had Mr. Randolph, Mr. P. P. Barbour, and Mr. E. Smyth, of Virginia; Mr. Reid, of Georgia; Mr. Pinckney and Mr. Lowndes, of South Carolina; Mr. Baldwin, of Pennsylvania, and other eminent members.

In the SENATE the restriction was advocated by Mr. Roberts, of Pennsylvania, Mr. King, of New York, Mr. Otis, of Massachusetts, and other prominent Senators; and it was opposed

by Mr. Barbour, of Virginia, Mr. Johnson, of Kentucky, Mr. Pinkney of Maryland, and Smith, of South Carolina, and others.]

Such is the brief history of the enactment of the so called "Missouri Compromise" whereby slavery was forever excluded from territory lying north of 36° 30' north latitude, and Missouri admitted into the Union without a restriction as to slavery. The debate was long and exciting. One member remarked that "it had all the marks of eternity about it," so slight was the prospect of its coming to an end. Public meetings were held in all the large towns in the Union, and the Legislatures of almost all the States adopted resolutions touching the matter.

When Missouri had formed her Constitution and came to be admitted into the Union, another "distracting question" arose as to whether her Constitution was republican or not, it having a provision in it excluding free colored people from the State. The Senate voted to admit her, with this provision in her Constitution, and the House refused. A Committee of Conference was raised as before, on motion of Mr. Clay.

The following gentlemen were elected a Committee on the part of the House:

Messrs. Clay of Kentucky, Cobb of Georgia, Hill of Maine, Barbour of Virginia, Storrs of New York, Cocke of Tennessee, Rankin of Mississippi, Archer of Virginia, Brown of Kentucky, Eddy of Rhode Island, Ford of New York, Culbreth of Maryland, Hackley of New York, S. Moore of Pennsylvania, Stevens of Connecticut, Rogers of Pennsylvania, Southard of New Jersey, Darlington of Pennsylvania, Pitcher of New York, Sloan of Ohio, Randolph of Virginia, Baldwin of Pennsylvania, and Smith of North Carolina.

In the Senate, on the 24th of February, 1821, on the announcement of a message that the House had appointed a committee of Conference, Mr. Smith, of South Carolina, opposed it, and Mr. Barbour, of Virginia, and Mr. Holmes, of Maine, supported it. The Senate concurred, by a vote of 29 to 7, and a committee was appointed to meet the House committee, and the following gentlemen were appointed:

Messrs. Holmes of Maine, Roberts of Pennsylvania, Morrill of New Hampshire, Barbour of Virginia, Southard of New Jersey, Johnson of Kentucky, and King of New York.

On the 26th February, 1821, Mr. Clay, from the joint committee, reported a joint resolution for the admission of the State of Missouri, upon condition that the restrictive clause in her constitution should never be so construed as to authorize the passage of any law by which any citizen of any other State shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.

Mr. Clay briefly explained the views of the committee and the considerations which induced them to report the resolution as being the same in effect as that which had been previously reported by the former committee of thirteen members; and stated that the committee on the part of the Senate was unanimous, and that on the part of the House nearly so, in favor of this resolution.

After further debate, the previous question was ordered, and the main question put, viz. "Shall the resolution be engrossed and read a third time?" It was decided as follows:

For the third reading	86
Against it	82

The resolution was then ordered to be read a third time *that day*, but not without considerable opposition.

The resolution was accordingly read a third time, and put on its passage.

Mr. Randolph, in a speech of some twenty minutes, delivered the reasons why he should not vote for the resolution.

The final question was then taken on the resolution, and decided in the affimative, as follows:—

Yeas—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Virginia, Baldwin, Ball, Barbour, Bateman, Bayly, Blackledge, Bloomfield, Brevard, Brown, Bryan, Butler of Louisiana, Cannon, Clark, Clay, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpepper, Cuthbert, Davidson, Eddy, Edwards of North Carolina, Fisher, Floyd, Ford Gray, Guyon, Hackley, Hall of North Carolina, Hardin, Hill, Hooks, Jackson, Johnson, Jones of Virginia, Jones of Tennessee, Little, McCoy, McCreary, McLean of Kentucky, Meigs, Mercer, Metcalfe, Montgomery, S. Moore, J. L. Moore, Neale, Nelson of Virginia, Newton, Overstreet, Pinckney, Rankin, Reid, Rhea, Ringgold, Robertson, Rogers, Sawyer, Settle, Shaw, Simpkins, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Smith of North Carolina, Southard, Stevens, Storrs, Swearingen, Trimble, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Udree, Walker, Warfield, Williams of Virginia, and Williams of North Carolina.—87.

Nays—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Beecher, Boden, Brush, Buffum, Butler New Hampshire, Campbell, Case, Clagett, Cook, Cushman, Dana, Darlington, Dennison, DeWitt, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Fay, Folger, Foot, Forrest, Fuller, Gorham, Gross of New York, Gross of Pennsylvania, Hall of New York, Hemphill, Hendricks, Herrick, Hibbaun, Hobart, Hostetter, Hendall, Kinsey, Kingsley, Lathrop, Lincoln, Livermore, Maclay, McCullough, Mallary, Marchand, Meech, Monell, R. Moore, Morton, Moseley, Murray, Nelson of Massachusetts, Patterson, Parker of Mass., Phelps, Philson, Pitcher, Plumer, Randolph, Rich, Richards, Richmond, Ross, Russ, Sergeant, Sillsbee, Sloan, Street, Strong of Vermont, Strong of New York, Tarr, Tomlinson, Tracey, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.—31.

So the resolution was passed, and ordered to be sent to the Senate for concurrence.

On the 26th of February, in the Senate, Mr. Holmes, of Maine, from the joint committee of the two Houses, reported a resolution for the admission of Missouri into the Union, which was read and laid on the table.

On the 27th, the resolution having passed the House, was taken up in the Senate.

After an unsuccessful attempt by Mr. Macon, to strike out the condition and proviso, which was negatived by a large majority, and a few remarks by Mr. Barbour, in support of the expediency of harmony and concession on this momentous subject,

The question was taken on ordering the resolution to be read a third time, and was decided in the affirmative, by the following vote:—

YEAS—Messrs. Barbour, Chandler, Eaton, Elliott, Gaillard, Holmes of Maine, Holmes of Mississippi, Horsey Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lowrie, Morril, Parrott, Pleasants, Roberts, Southard, Stokes, Talbot, Taylor, Thomas, Van Dyke, Walker of Alabama, Williams of Mississippi, and Williams of Tennessee.—26.

NAYS—Messrs. Dana, Dickinson, King of New York, Knight, Lanman, Macon, Mills, Noble, Otis, Palmer, Ruggles, Sanford, Smith, Tichenor, and Trimble.—15.

A motion was made to read the resolution a third time forthwith, but it was objected to, and, under the rule of the Senate, of course it could not be done.

On the 28th the resolution from the House of Representatives declaring the admission of the State of Missouri into the Union was read a third time, and the question on its final passage was decided as follows:

YEAS—Messrs. Barbour, Chandler, Eaton, Edwards, Holmes of Maine, Holmes of Mississippi, Horsey, Hunter, Johnson, of Kentucky, Johnson of Louisiana, King of Alabama, Lowrie, Morril, Parrott, Pinckney, Pleasants, Roberts, Southard, Stokes, Talbot, Taylor, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee.—22.

NAYS—Messrs. Dana, Dickerson, King of New York, Knight, Lanman, Macon, Mills, Noble, Ruggles, Sanford, Smith, Tichenor, and Trimble.—14.

So the joint resolution was concurred in by both Houses and became a law, in the following words:—

RESOLUTION PROVIDING FOR THE ADMISSION OF MISSOURI INTO THE UNION ON A CERTAIN CONDITION.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the Constitution, submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That the Legislature of the said State, by solemn public act, shall declare the assent of the said State to the said fundamental condition, and transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said Act; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.

JOHN W TAYLOR,
Speaker of the House of Representatives.
JOHN GAILLARD,
President of the Senate, pro tempore.

Approved, *March* 2, 1821. JAMES MONROE.

Missouri having accepted the condition imposed by the above resolution, the President of the United States, on the 10th August, 1821, issued his proclamation declaring the admission of Missouri complete according to law.

DANIEL WEBSTER ON THE MISSOURI COMPROMISE.

Among the productions of Mr. Webster's pen which do not appear in his collected works, is a pamphlet published by Sewell Phelps, at No. 5 Court st., Boston, in 1819. It is entitled "A Memorial to the Congress of the United States on the subject of restraining the increase of Slavery in new States to be admitted into the Union, prepared in pursuance of a vote of the inhabitants of Boston and its vicinity, assembled at the State House on the 3d of December, A.D. 1819." The memorial is signed by Daniel Webster, George Blake, Josiah Quincy, James T. Austin, and John Gallison.

"MEMORIAL

"*To the Senate and House of Representatives of the United States, in Congress assembled:*

"The undersigned, inhabitants of Boston and its vicinity, beg leave most respectfully and humbly to represent: That the question of the introduction of Slavery into the new States to be formed on the west side of the Mississippi River, appears to them to be a question of the last importance to the future welfare of the United States. If the progress of this great evil is ever to be arrested, it seems to the undersigned that this is the time to arrest it. A false step taken now cannot be retraced; and it appears to us that the happiness of unborn millions rests on the measure which Congress on this occasion may adopt. Considering this as no local question, nor a question to be decided by a temporary expediency, but as involving great interests of the whole United States, and affecting deeply and essentially those objects of common defense, general welfare, and the perpetuation of the blessings of liberty, for which the Constitution itself was formed, we have presumed, in this way, to offer our sentiments and express our wishes to the National Legislature. And as various reasons have been suggested against prohibiting Slavery in the new States, it may perhaps be permitted to us to state our reasons both for believing that Congress possesses the constitutional power to make such prohibition a condition, on the admission of a new State into the Union, and that it is just and proper that they should exercise that power.

"And in the first place as to the constitutional authority of Congress. The Constitution of the United States has declared that 'Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice the claims of the United States or of any particular State.' It is very well known that the saving in this clause of the claims of any particular State was designed to apply to claims by the then existing States of territory which was also claimed by the United States as their own property. It has, therefore, no bearing on the present question. The power, then, of Congress over its own territories is, by the very terms of the Constitution, unlimited. It may make all 'needful rules and regulations,' which of course include all such regulations as its own views of policy or expediency shall from time to time dictate. If, therefore, in its judgment it be needful for the benefit of a territory to enact a prohibition of Slavery, it would seem to be as much within its power of legislation as any other act of local policy. Its sovereignty being complete and universal as to the territory, it may exercise over it the most ample jurisdiction in every respect. It possesses in this view all the authority which any State Legislature possesses over its own territory; and if any State Legislature may, in its discretion, abolish or prohibit Slavery within its own limits, in virtue of its general legislative authority, for the same reason Congress also may exercise the like authority over its own territories. And that a State Legislature, unless restrained by some constitutional provision, may so do, is unquestionable, and has been established by general practice. * * *

"The creation of a new State, is, in effect, a compact between Congress and the inhabitants of the proposed State. Congress would not probably claim the power of compelling the inhabitants of Missouri to form a Constitution of their own, and come into the Union as a State. It is as plain that the inhabitants of that territory have no right of admission into the Union as a State without the consent of Congress. Neither party is bound to form this connection. It can be formed only by the consent of both. What, then, prevents Congress, as one of the stipulating parties, to propose its terms? And if the other party assents to these terms, why do they not effectually bind both parties? Or if the inhabitants of the Territory do not choose to accept the proposed terms, but prefer to remain under a Territorial Government, has Congress deprived them of any right, or subjected them to any restraint, which, in its discretion, it had not authority to do? If the admission of new

States be not the discretionary exercise of a constitutional power, but in all cases an imperative duty, how is it to be performed? If the Constitution means that Congress *shall* admit new States, does it mean that Congress shall do this on every application and under all circumstances? Or if this construction cannot be admitted, and if it must be conceded that Congress must in some respects exercise its discretion on the admission of new States, how is it to be shown that that discretion may not be exercised in regard to this subject as well as in regard to others?

The Constitution declares, "that the migration or importation of such persons as any of the States *now existing*, shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808!" It is most manifest that the Constitution does contemplate, in the very terms of this clause, that Congress possesses the authority to prohibit the migration or importation of slaves; for it limits the exercise of this authority for a specific period of time, leaving it to its full operation ever afterward. And this power seems necessarily included in the authority which belongs to Congress, "to regulate commerce with foreign nations *and among the several States.*" No person has ever doubted that the prohibition of the foreign slave trade was completely within the authority of Congress since the year 1808. And why? Certainly only because it is embraced in the regulation of *foreign commerce;* and if so, it may for the like reason be prohibited since that period between the States. Commerce in slaves, since the year 1808, being as much subject to the regulation of Congress as any other commerce, if it should see fit to enact that no slave should ever be sold from one State to another, it is not perceived how its constitutional right to make such provision could be questioned. It would seem to be too plain to be questioned, that Congress did possess the power, before the year 1808, to prohibit the migration or importation of slaves into the territories, (and in point of fact it exercised that power) as well as into any *new States;* and that its authority, after that year, might be as fully exercised to prevent the migration or importation of slaves into any of the old States. And if it may prohibit new States from importing slaves, it may surely, as we humbly submit, make it a condition of the admission of such States into the Union, that they shall never import them. In relation, too, to its own Territories, Congress possesses a more extensive authority, and may, in various other ways, effect the object. It might, for example, make it an express condition of its grants of the soil, that its owners shall never hold slaves; and thus prevent the possession of slaves from ever being connected with the ownership of the soil.

As corroborative of the views which have been already suggested, the memorialists would respectfully call the attention of Congress to the history of the national legislation, under the Confederation as well as under the present Constitution on this interfering subject. Unless the memorialists greatly mistake, it will demonstrate the sense of the nation at every period of its legislation to have been, that the prohibition of Slavery was no infringement of any just rights belonging to free States, and was not incompatible with the enjoyments of all the rights and immunities which an admission into the Union was supposed to confer.

The memorialists, after this general survey, would respectfully ask the attention of Congress to the state of the question of the right of Congress to prohibit Slavery in that part of the former Territory of Louisiana, which now forms the Missouri Territory. Louisiana was purchased of France by the Treaty of the 30th April, 1803. The third article of that Treaty is as follows: "The inhabitants of the ceded Territory shall be incorporated into the Union of the United States, and admitted as soon as possible, *according to the principles of the Federal Constitution*, to the enjoyments of all the *rights, advantages*, and *immunities* of *citizens of the United States*; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Although the language of this article is not very precise or accurate, the memorialists conceive that its real import and intent cannot be mistaken. The first clause provides for the admission of the ceded territory into the Union, and the succeeding clause shows this must be *according to the principles of the Federal Constitution; and this very qualification necessarily excludes the idea that Congress were not to be at liberty to impose any conditions upon such admission which were consistent with the principles of that Constitution, and which had been or might justly be applied to other new States.* The language is not by any means so pointed as that of the Resolve of 1780; and yet it has been seen that that Resolve was never supposed to inhibit the authority of Congress, as to the introduction of slavery. And it is clear, upon the plainest rule of construction, that in the absence of all restrictive language, a clause, merely providing for the admission of a territory into the Union, must be construed to authorize an admission in the manner, and upon the terms which the Constitution itself would justify. This construction derives additional support from the next clause. The inhabitants "shall be admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the *rights, advantages*, and *immunities* of *citizens of the United States.*" The rights, advantages, and immunities here spoken of must, from the very force of the terms of the clause, be such as are recognized or communicated by the Constitution of the United States; such as are common to all citizens, and are uniform throughout the United States. The clause cannot be referred to rights, advantages, and immunities derived exclusively from the State Government, for these do not depend upon the Federal Constitution. Besides, it would be impossible that all the rights, advantages, and immunities of citizens of the different States could be at the same time enjoyed by the same persons. These rights are different in different States; a right exists in one State which is denied in others, or is repugnant to other rights enjoyed in others. In some of the States, a freeholder alone is entitled to vote in elections; in some a qualification of personal property is sufficient; and in others age and freedom are the sole qualifications of electors. In some states, no citizen is permitted to hold slaves: in others he possesses that power absolutely; in others it is limited. The obvious meaning, therefore, of the

clause is, that the rights derived under the Federal Constitution shall be enjoyed by the inhabitant of Louisiana in the same manner as by the citizens of other States. The United States, by the Constitution, are bound to guarantee to every State in the Union a republican form of government; and the inhabitants of Louisiana are entitled, when a State, to this guarantee. Each State has a right to two Senators, and to Representatives according to a certain enumeration of population, pointed out in the Constitution. The inhabitants of Louisiana, upon their admission into the Union, are also entitled to these privileges. The Constitution further declares, 'that the citizens of each State shall be entitled to all the privileges and immunities of citizens *in* the several States.' It would seem as if the meaning of this clause could not well be misinterpreted. It obviously applies to the case of the removal of a citizen of one State to another State; and in such a case it secures to the migrating citizen all the privileges and immunities of citizens *in* the State to which he removes. It cannot surely be contended, upon any rational interpretation, that it gives to the citizens of each State all the privileges and immunities of the citizens of every other State, at the same time, and under all circumstances. Such a construction would lead to the most extraordinary consequences. It would at once destroy all the fundamental limitations of the State constitutions upon the rights of their own citizens; and leave all those rights to the mercy of the citizens of any other State, which should adopt different limitations. According to this construction, if all the State constitutions, save one, prohibited slavery, it would be in the power of that single State, by the admission of the right of its citizens to hold slaves, to communicate the same right to the citizens of all the other States within their own exclusive limits, in defiance of their own constitutional prohibitions; and to render the absurdity still more apparent, the same construction would communicate the most opposite and irreconcilable rights to the citizens of different States at the same time. It seems, therefore, to be undeniable, upon any rational interpretation, that this clause of the Constitution communicated no rights in any State which its own citizens do not enjoy; and that the citizens of Louisiana, upon their admission into the Union, in receiving the benefit of this clause, would not enjoy higher or more extensive rights than the citizens of Ohio. It would communicate to the former no right of holding slaves except in States where the citizens already possessed the same right under their own State Constitutions and laws. * * *

Upon the whole, the memorialists would most respectfully submit that the terms of the Constitution, as well as the practice of the Governments under it, must, as they humbly conceive, entirely justify the conclusion that Congress may prohibit the further introduction of Slavery into its own territories, and also make such prohibition a condition of the admission of any new State into the Union.

If the constitutional power of Congress to make the proposed prohibition be satisfactorily shown, the justice and policy of such prohibition seem to the undersigned to be supported by plain and strong reasons. The permission of Slavery in a new State necessarily draws after it an extension of that inequality of representation, which already exists in regard to the original States. It cannot be expected that those of the original States, which do not hold slaves, can look on such an extension as being politically just. As between the original States the representation rests on compact and plighted faith; and your memorialists have no wish that that compact should be disturbed, or that plighted faith in the slightest degree violated. But the subject assumes an entirely different character, when a new State proposes to be admitted. With her there is no compact, and no faith plighted; and where is the reason that she should come into the Union with more than an equal share of political importance and political power? Already the ratio of representation, established by the Constitution, has given to the States holding slaves twenty members of the House of Representatives more than they would have been entitled to, except under the particular provision of the Constitution. In all probability this number will be doubled in thirty years. Under these circumstances we deem it not an unreasonable expectation that the inhabitants of Missouri should propose to come into the Union, renouncing the right in question, and establishing a constitution prohibiting it for ever. Without dwelling on this topic we have still thought it our duty to present it to the consideration of Congress. We present it with a deep and earnest feeling of its importance, and we respectfully solicit for it the full consideration of the National Legislature.

Your memorialists were not without the hope that the time had at length arrived when the inconvenience and the danger of this description of population had become apparent in all parts of this country, and in all parts of the civilized world. It might have been hoped that the new States themselves would have had such a view of their own permanent interests and prosperity as would have led them to prohibit its extension and increase. The wonderful increase and prosperity of the States north of the Ohio is unquestionably to be ascribed in a great measure to the consequences of the ordinance of 1787; and few, indeed, are the occasions, in the history of nations in which so much can be done, by a single act, for the benefit of future generations, as was done by that ordinance, and as may now be done by the Congress of the United States. We appeal to the justice and to the wisdom of the National Councils to prevent the further progress of a great and serious evil. We appeal to those who look forward to the remote consequences of their measures, and who cannot balance a temporary or trifling convenience, if there were such, against a permanent, growing and desolating evil. We cannot forbear to remind the two Houses of Congress that the early and decisive measures adopted by the American Government for the abolition of the slave-trade are among the proudest memorials of our nation's glory. That Slavery was ever tolerated in the Republic is, as yet, to be attributed to the policy of another Government. No imputation, thus far, rests on any portion of the American Confederacy. The Missouri Territory is a new country. If its extensive and fertile field shall be opened as a market for slaves, the Government will seem to become a party to a

traffic which, in so many acts, through so many years, it has denounced as impolitic, unchristian, inhuman. To enact laws to punish the traffic, and at the same time to tempt cupidity and avarice by the allurements of an insatiable market, is inconsistent and irreconcilable. Government by such a course would only defeat its own purposes, and render nugatory its own measures. Nor can the laws derive support from the manners of the people, if the power of moral sentiment be weakened by enjoying, under the permission of Government, great facilities to commit offenses. The laws of the United States have denounced heavy penalties against the traffic in slaves, because such traffic is deemed unjust and inhuman. We appeal to the spirit of these laws: We appeal to this justice and humanity: We ask whether they ought not to operate, on the present occasion, with all their force? We have a strong feeling of the injustice of any toleration of Slavery. Circumstances have entailed it on a portion of our community, which cannot be immediately relieved from it without consequences more injurious than the suffering of the evil. But to permit it in a new country, where yet no habits are formed which render it indispensable, what *is* it, but to encourage that rapacity, and fraud, and violence, against which we have so long pointed the denunciations of our penal code? What is it, but to tarnish the proud fame of the country? What is it, but to throw suspicion on its good faith, and to render questionable all its professions of regard for the right of humanity and the liberties of mankind?

As inhabitants of a free country—as citizens of a great and rising Republic—as members of a Christian community—as living in a liberal and enlightened age, and as feeling ourselves called upon by the dictates of religion and humanity, we have presumed to offer our sentiments to Congress on this question, with a solicitude for the event far beyond what a common occasion could inspire."

ADMISSION OF TEXAS.

MISSOURI COMPROMISE RE-AFFIRMED.

A joint resolution for annexing Texas to the Union was passed March 1, 1845. The third article, of the second section of said resolution *reaffirms* the Missouri compromise *principle* in the following words:

"And such States as may be formed out of that portion of the said territory lying south of 36° 30′ north latitude, commonly known as the *Missouri compromise line*, shall be admitted into the Union *with or without slavery*, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said *Missouri compromise line* slavery or involuntary servitude (except for crimes) *shall be prohibited*."

The joint resolution for the admission of the State of Texas, passed December 29, 1845, admitted the new State, the people thereof having by deputies in Convention assembled, with the consent of the existing Government, adopted a constitution, *and assented to and accepted the proposals, conditions, and guaranties* contained in the first and second sections of said resolution.

And on the same day an act was approved extending the laws of the United States over the State of Texas.

As a portion of the proceedings of Congress on the annexation of Texas, have an important bearing on the Nebraska question, we extract the following from the Congressional Globe, (page 193,) detailing the action of the House of Representatives, Jan. 25, 1845:

The question being on the Joint Resolution to admit Texas into the Union,

Mr. Milton Brown, (of Tennessee,) submitted the following as an amendment to it: Strike out amendment of Mr. Weller to the original resolution, and insert as follows:

JOINT RESOLUTION declaring the terms on which Congress will admit Texas into the Union as a State.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled. * * * * * * * * * * * * * * *

Third, New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter by consent of the said State be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying South of thirty-six degrees, thirty minutes, North latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without Slavery, as the people of each State asking admission may desire.

Mr. Douglass, (of Illinois,) asked the gentleman from Tennessee to accept the following as a modification of his amendment, to come in after the last clause:

And in such States as shall be formed out of said territory, north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited.

Mr. Brown accepted the modification.

The Speaker announced the question to be on agreeing to the amendment.

Mr. Vinton called for the yeas and nays, and they were ordered.

The question was then taken by yeas and nays, and resulted thus—yeas 118, nays 101.

At page 85 of the same work the following will be found:

HOUSE OF REPRESENTATIVES, Jan. 23, '45.

The House being in Committee of the Whole on the Texas question,

Mr. Douglas, (of Illinois,) moved to amend the amendment of Mr. Weller, by substituting therefor the resolutions he had the honor to introduce a few days since.

The resolutions of Mr. Douglas are in the following words:

JOINT RESOLUTIONS for the re-annexation of Texas to the United States, in conformity with the treaty of 1803, for the purchase of Louisiana.

Whereas, &c. * * * * * * * * * * * * * * *

8th. *And be it further resolved*, That nothing herein contained shall be construed to affect, or in any way interfere with, the sixth section of the act, approved the sixth of March, 1820, admitting the State of Missouri into the Union, and commonly called the Missouri Compromise, that act having been passed and approved prior to the ratification of the treaty commonly called the Texas treaty, by which Texas was ceded to Spain.

OREGON TERRITORY.

AUGUST 10, 1848.—The Oregon bill being before the Senate, Mr. DOUGLAS moved an amendment recognizing the Missouri compromise in the following words:

"That inasmuch as the said Territory is north of the parallel of 36° 30′ of north latitude, usually known as the Missouri compromise line," &c.

The vote on this amendment was as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Douglas, Dawson, Fitzgerald, Foster, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Sebastian, Spruance, Sturgeon, Turney, and Underwood—33.

NAYS—Messrs. Allen, Atherton, Baldwin, Bradbury, Breese, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Phelps, Upham, Walker, and Webster—21.

It will be here seen that every Southern Senator voted for the Missouri compromise line. The bill was then read a third time and passed.

The House of Representatives disagreed to the Senate's amendment (above noted) by a vote of 121 to 82, most of the Southern members voting to concur with the Senate in establishing the Missouri compromise line.

AUGUST 11, 1848.—In the Senate Mr. DOUGLAS moved a committee of conference. The Senate eventually *receded* from all its amendments, among them that extending the Missouri compromise line to the Pacific, by a vote of 29 to 25—all the Southern Senators present, except Messrs. Benton and Houston, voting against receding.

The bill establishing the Territorial Government of Oregon finally became a law on the 19th of August, 1848, the following clause having been inserted reaffirming the ordinance of 1787, which excludes slavery from all the Northwest Territory:

"SEC. 14. That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said Territory on the 13th July, 1787, and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of said Territory."

This measure was approved by President Polk. The Territory has since been divided, and the Territorial Government of Washington established in 1852.

THE COMPROMISES OF 1850.

EARLY in February, 1850, Mr. Clay presented to the Senate a series of resolutions, which after premising the desirableness for the peace, concord, and harmony of the Union, and a settlement of all questions relating to slavery, proposed the following compromise.

1*st*. That California with suitable boundaries, ought, upon her application, to be admitted as one of the States of the Union, without the imposition of any restriction by Congress, in respect to the exclusion or introduction of slavery within those boundaries.

2*d*. That as slavery does not exist by law, and is not likely to be introduced into any territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law, either for its introduction or exclusion from any part of said territory; and that appropriate territorial governments ought to be established by Congress in all the said territory not assigned as within the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

3*d*. That the western boundary of the State of Texas ought to be fixed on the Rio del Norte. Commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4*th*. That it be proposed to the State of Texas, that the United States will provide for the payment of that portion of the legitimate and *bonafide* public debt of that State, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of $———, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition also, that the said State of Texas shall by some solemn and authentic act of her Legislature or of a Convention, relinquish to the United States any claim which it has to any part of New Mexico.

5*th*. That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners within the District.

6*th*. That it is expedient to prohibit within the District, the slave trade, in slaves brought into it from states or places beyond the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

7*th*. That some effectual provision ought to be made by law, according to the requirements of the constitution, for the restitution and delivery of persons bound to service or labor in any state who may escape into any other state or territory in the Union.

8*th*. That Congress has no power to obstruct, or prohibit the trade of slaves between the slaveholding states; but that the admission or exclusion of slaves, brought from one into another of them, depends exclusively upon their own particular laws.

On the 5th of February, the debate on these resolutions commenced with a powerful speech from Mr. Clay, and was continued by Messrs. Webster, Cass, Seward, Walker, Douglas, Baldwin, Berrian, Butler, Calhoun, Badger, Mason, Hunter, and others.

On the 13th of February, Gen. Taylor, President, transmitted to Congress a message, apprising that body of the organization of the State of California, with an application through her Senators and Representatives, for admission into the Union. It was under a motion to refer this message to the Committee on Territories, that Mr. Calhoun, at that time prostrate with his last illness, prepared a speech which was read to the Senate on the 4th of March, by Mr. Mason, of Va.

Some days after, viz., the 7th of March, while the same motion was pending, Mr. Webster addressed the Senate, at great length.

Mr. Webster was followed by Mr. Seward, on the 11th, in a speech of remarkable power and eloquence. See page 19.

On the 12th of March, Mr. Foote, of Miss., moved that a series of resolutions presented by Mr. Bell, of Tenn., be referred to a committee of thirteen, six from the north, six from the south, and one to be by them chosen.

Gen. Cass spoke at great length upon this motion, reviewing the whole series of subjects in controversy.

On the 8th of April, Col. Benton took part in the debate, strenuously opposing the plan of co-mingling so many important and various matters in one bill.

Mr. Clay replied to Mr. Benton with great earnestness.

Mr. Foote's resolution was amended so as to embrace Mr. Clay's resolutions, and passed on the 18th of April.

AYES—Atchison, Badger, Bell, Borland, Bright, Butler, Cass, Clay, Clemens, Davis of Miss., Dickinson, Dodge of Iowa, Downs, Foote, Hunter, King, Jones, Mangum, Mason, Morton, Pearce, Rusk, Sebastian, Soule, Spruance, Sturgeon, Turney, Underwood. Whitcomb, Yulee—30.

NAYS—Baldwin. Benton, Bradbury, Chase, Clarke, Corwin, Davis of Mass., Dayton, Dodge of Wis., Douglas, Felch, Greene, Hale, Hamlin, Miller, Norris, Phelps, Seward, Shields, Smith, Walker, Webster—22.

On the following day, the compromise committee of thirteen was elected by ballot, viz. Clay, Cass, Dickinson, Bright, Webster, Phelps, Cooper, King, Mason, Downs, Mangum, Bell and Berrien; seven from slave States—six from free States.

On the 8th of May, 1850, Mr. Clay presented a report from the committee, which embraced substantially the following provisions.

1. The admission of any new State or States, formed out of Texas, to be postponed until they shall hereafter present themselves to be received into the Union when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States.

2. The admission forthwith of California into the Union, with the boundaries which she has proposed.

3. The establishment of territorial governments, without the Wilmot proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico, not contained in the boundaries of California.

4. The combination of these last two mentioned measures in the same bill.

5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent. And the section for that purpose to be incorporated in the bill admitting California, and establishing territorial governments for Utah and New Mexico.

6. More effectual enactments of law, to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, escaping into another State.

7. Abstaining from abolishing slavery: but, under a heavy penalty, prohibiting the slave trade in the District of Columbia.

Mr. Mason, Mr. Berrien, Mr. Clemens, Mr. Yulee, and others opposed the report, at first, while Messrs. Bright, Downs, Cass, Dickinson, and others sustained it. During the debate which followed, it was vigorously opposed by Messrs. Benton, Seward, Davis, Smith, Dayton, Hale, and others, and powerfully supported by Clay, Cass, Dickinson, Webster, Mangum, Foote, Douglas, and others. On the last day of July, it had become, by a series of amendments, divested of all its original features, except the portion relating to Utah, so that Mr. Benton created considerable merriment by comparing the Senate to the woman described by Homer, who every night unravelled what she had wove during the day.

Separate bills, however, were subsequently passed, in a disconnected shape, embodying all the main features of the compromise.

Eight months having thus been passed, principally in the discussion of these bills, the two Houses were at last brought to a vote on each bill by itself.

The Texas boundary bill passed the Senate, August 10th, 1850, by a vote of 30 to 20, as follows:

AYES—Badger, Bell, Berrien, Bradbury, Bright, Cass, Clark, Clemens, Cooper, Davis of Mass., Dickinson, Dawson, Dodge of Iowa, Douglas, Felch, Foote, Green, Houston, King, Norris, Pearce, Phelps, Rusk, Shields, Smith, Spruance, Sturgeon, Wales, Whitcomb, and Winthrop—30.

NAYS—Atchison, Baldwin, Barnwell, Benton, Butler, Chase, Davis of Mi., Dodge of Wis., Ewing, Hale, Hunter, Mason, Morton, Seward, Soule, Turney, Underwood, Upham, Walker, and Yulee—20.

In the House, it passed Sept. 6th, by a vote of 107 to 97.

AYES—Albertson, Alston, Anderson, Andrews, Bay, Bayly, Beale, Bokee, Bowie, Bowlin, Boyd, Beck, Briggs, Brooks, W. J. Brown, Buel, C. Butler, E. C. Cabell, G. A. Caldwell, J. P. Caldwell, Carey, Chandler, W. R. W. Cobb, Debeny, Dimmick, Disney, Dner, Duncan, Denham, Edmundson, Eliot, Ewing, Fitch, Fuller, Gentry, Gerry, Gilmore, Gorman, Green, Grinnell, Hall, Hammond, Isham, G. Harris, J. L. Harris, Haymond, Hilliard, Hoagland, Houston, Howard, A. Johnson, J. L. Johnson, Jones, Kauffman, Kerr, G. G. King, Leffler, Levin, Little-

field, Job, Mann, Marshall, Mason, McClelland, McDonald, McDowell, McKissock, McLanahan, McLane, McLean, McMullen, Morehead, Morton, Nelson, Outlaw, Owen, Parker, Peaslee, Phœnix, Pitman, Potter, Richards, Robbins, Robinson, Rose, Ross, Savage, Schermerhorn, Shepard, Seamley, F. P. Stanton, R. H. Stanton, Strong, Taylor, Thomas, J Thompson, J. B. Thompson, Thurman, Toombs, Underhill, Walden, Watkins, Wellborn, White, Whitthorne, Wildrick, Williams, Wilson, Young—107.

NAYS—Alexander, Allen, Averett, Baker, Bennett, Bingham, Booth, Bowden, A. G. Brown, Burrows, Burt, T. B. Butler, Cable, Calvin, Campbell, Carter, Clark, Clingman, Colcock, Cole, Conger, Corwin, Crowell, Daniel, Dickey, Dixon, Doty, Durkee, N. Evans, Featherston, Fowler, Giddings, Gott, Halloway, Haralson, Harlan, S. W. Harris, Hibard, Henry, Holladay, Holmes, Howe, Hubbard, Hunter, Inge, J. W. Jackson, W. T. Jackson, R. W. Johnson, Julian, J. G. King, John A. King, P. King, La Sere, Horace Mann, Matthison, McGaughey, McQueen, McWillie, Meacham, Meade, Millson, Moore, Morris, Morse, Newell, Ogle, Olds, Orr, Otis, Peck, Phelps, Powell, Putnam, Reed, Reynolds, Rockwell, Root, Ramsey, Sackett, Sawtelle, Schenck, Schoolcraft, Seddon, Silvester, Sprague, Thad. Stevens, Sweetser, Jacob Thompson, Tuck, Van Dyke, Venable, Vinton, Waldo, Wallace, Wentworth, Woodward—97.

The bill for the admission of California, passed in the Senate, Aug. 13th, by a vote of 34 to 18, viz.:

AYES—Messrs. Baldwin, Bell, Benton, Bradbury, Bright, Cass, Chase, Cooper, Davis of Mass., Dickinson, Dodge of Wis., Dodge of Iowa, Douglas, Ewing, Felch, Greene, Hale, Hamlin, Houston, Jones, Miller, Norris, Phelps, Seward Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Walker, Winthrop, Whitcomb—34.

NAYS—Messrs. Atchison, Barnwell, Berrien, Butler, Clemens, Davis of Miss., Dawson, Foote, Hunter, King, Mason, Morton, Pratt, Rusk, Sebastian, Soule, Turney, and Yulee.—18.

It passed the House, Sept. 17th, by a vote of 150 to 56. Those who voted Nay, were,

Messrs. Alston, Ash, Averett, Bayly, Beale, Bowdon, Boyd, A. G. Brown, Burt, Cabell, G. A. Caldwell, Clingman, W. R. W. Cobb, Colcock, Daniel, Deberry, Edmunson, Green, Featherston, Haralson, S. W. Harris, J. G. Harris, Hilliard, Holladay, Howard, Hubbard, Inge, J. W. Jackson, R. W. Johnson, Kaufman, La Sere, McDowell, McMullen, McQueen, McWillie, Meade, Millson, Morse, Morton, Orr, Outlaw, Owen, Parker, Powell, Savage, Seddon, Sheppard, F. P. Stanton, R. H. Stanton, Thomas, J. Thompson, Toombs, Venable, Wallace, Wellborn, Woodward.

On the 14th of August, the Senate passed the bill organizing the Territory of New Mexico, by a vote of 27 to 10, as follows,

YEAS—Messrs. Atchison, Badger, Berrien, Benton, Bradbury, Bright, Cass, Cooper, Dawson, Dodge of Iowa, Douglas, Downs, Felch, Houston, Hunter, King, Mangum, Mason, Norris, Pratt, Rusk, Sebastian, Shields, Sturgeon, Underwood, Wales, Whitcomb—27.

NAYS—Messrs. Chase, Davis of Mass., Dodge of Wis., Greene, Hamlin, Miller, Phelps, Upham, Walker, and Winthrop.—10.

In the House, it was united, and passed with the Texas boundary bill, by a vote as before stated.

When this bill was before the Senate, Mr. Chase moved to add the Wilmot Proviso, which was lost by a vote of 20 to 25, as follows:

AYES—Messrs. Baldwin, Bradbury, Bright, Chase, Cooper, Davis of Mass., Dodge of Wis., Felch, Greene, Hale, Hamlin, Miller, Norris, Phelps, Shields, Smith, Upham, Walker, Whitcomb, Winthrop.—20.

NAYS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Cass, Davis of Miss., Dawson, Dodge of Iowa, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Morton, Pratt, Rusk, Sebastian, Soule, Sturgeon, Underwood, Wales.—25.

Messrs. Dickinson and Seward on this, and several other votes paired off, owing to the necessary absence of one or the other.

On the 23d of August, the Fugitive Slave Bill was passed in the Senate, by a vote of 27 to 12, as follows:—

AYES—Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis of Miss., Dodge of Iowa, Downs, Foote, Houston Hunter, Jones, King, Mangum, Mason, Pearce, Rusk, Sebastian, Soule, Spruance, Sturgeon, Turney, Underwood, Wales, Yulee.—27.

NAYS—Messrs. Baldwin, Bradbury, Chase, Cooper, Davis of Mass., Dayton, Dodge of Wis., Greene, Smith, Upham, Walker, Winthrop.—12.

Senators Douglas and Dickinson, both subsequently declared that they approved the bill, and would have voted for it if they had not been prevented, the former by absence, and the latter by having paired off with Mr. Seward.

On the 12th of September, the House passed the bill, without debate, under the action of the previous question moved by Mr. Thompson, of Pa.

The vote stood, ayes 109; nays 75, as follows:

YEAS—Messrs. Albertson, Alston, Ash, Averett, Bay, Bayly, Beale, Bissell, Bowdon, Bowie, Bowlin, Boyd, Breck, A. G. Brown, W. J. Brown, Buel, Burt, J. A. Caldwell, J. P. Caldwell, Clingman, W. R. W. Cobb, Colcock, Daniel, Debeery, Dimmick, Dunham, Edmundson, Eliot, Ewing, Featherston, Fuller, Gentry, Gerry, Gilbert, Gorman, Green, Hall, Hamilton, Haralson, J. G. Harris, S. W. Harris, T. L. Harris, Haymond, Hibbard, Hilliard, Hosgland, Holladay, Holmes, Houston, Howard, Hubbard, Inge, J. W. Jackson, A. Johnson, J. L. Johnson, R. W. Johnson, Jones, Kaufman, Kerr, La Sere, Leffler, Littlefield, Job, Mann, Marshall, Mason, McClernand, McDonald, McGaughey, McLanahan, F. S. McLean, McMullen, McQueen, McWillie, Meade, Miller, Millson, Morton, Orr, Outlaw, Owen, Parker, Peaslee, Phelps, Powell, Richardson, Robbins, Jr., Ross, Savage, Seddon, Shepperd, Stanley, F. P. Stanton, R. H. Stanton, Taylor, Thomas, Jacob Thompson, John Thompson, James Thompson, Toombs, Venable, Walden, Wallace, Watkins, Wellborn, Wildrick, Williams, Woodward, Young.—109.

NAYS—Messrs. Alexander, Allen, Baker, Bennett, Bingham, Booth, Briggs, Burrows, T. B. Butler, J. Cable, Calvin, Campbell, Carter, Chandler, Cole, Corwin, Cowell, Dickey, Disney, Dixon, Doty, Duncan, Durkee, N. Evans, Fitch, Fowler, Freedly, Giddings, Gott, Gould, Halloway, Hampton, Harlan, Hay, Hebard, Henry, Howe, Hunter, W. T. Jackson, Julien, G. G. King, J. G. King, J. A. King, Preston King, Horace Mann, Matteson, McKissock, Meacham, Moore, Morris, Nelson, Otis, Pitman, Putnam, Reed, Robinson, Root, Ramsey, Sackett, Sawtelle, Schumaker, Schoolcraft, Silvester, Sprague, Thad. Stevens, Stetson, Thurmen, Tuck, Underhill, Vinton, Waldo, Wentworth, Whittlesey, Wood, Wright.—75.

The next bill considered in the Senate was that for abolishing the slave trade in the District of Columbia. Mr. Seward proposed a substitute abolishing slavery itself in the District, and advocated its passage in a speech of remarkable boldness and eloquence.* His substitute was rejected. Ayes 5—Nays 46.

AYES—Chase, Dodge of Wis., Hale, Seward, and Upham—5.
NAYS—Atchison, Badger, Baldwin, Barnwell, Bell, Benton, Berrien, Bright, Butler, Clay, Davis of Mass., Davis of Miss., Dayton, Dickinson, Dodge of Iowa, Douglas, Downs, Ewing, Felch, Fremont, Greene, Gwin, Hamlin, Houston, Hunter, Jones, King, Mangum, Mason, Morton, Norris, Pearce, Pratt, Rusk, Sebastian, Shields, Smith, Soule, Spruance, Sturgeon, Turney, Underwood, Wales, Whitcomb, Winthrop, Yulee—46.

The original bill passed on the 14th of September, by a vote of 33 to 19, as follows:

AYES—Baldwin, Benton, Bright, Cass, Chase, Clarke, Clay, Cooper, Davis of Mass., Dayton, Dickinson, Dodge of Wis., Dodge of Iowa, Douglas, Ewing, Felch, Fremont, Green, Gwin, Hale, Hamlin, Norris, Jones, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Wales, Walker, Whitcomb, Winthrop—33.
NAYS—Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis of Miss., Dawson, Downs, Hunter, King, Mangum, Mason, Morton, Pratt, Sebastian, Soule, Turney, Yulee—19.

The bill passed the House, Sep. 17th, by a vote of 124 to 59. The Nays, were:

Messrs. Alston, Anderson, Ash, Averett, Bayly, Bowdon, Bowie, A. G. Brown, Burt, P. C. Cabell, G. A. Caldwell, J. P. Caldwell, Clingman, W. R. W. Cobb, Colcock, Deberry, Edmundson, A. Evans, Ewing, Featherston, Green, Hamilton, Haralson, J. G. Harris, S. W. Harris, Holladay, Howard, Hubbard, Inge, J. W. Jackson, A. Johnson, Jones, Kaufman, Kerr, La Sere, Marshall, McDowell, R. McLane, McMullen, McQueen, Millson, Morse, Orr, Outlaw, Parker, Phelps, Powell, Savage, Seddon, F. P. Stanton, R. H. Stanton, A. H. Stephens, Thomas, J. Thompson, Venable, Wallace, Watkins, Williams, Woodward.—59.

The several acts of Congress embraced in this series of measures were five in number.

1. An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claim upon the United States, and to establish a Territorial Government for New Mexico.—[September 9, 1850.] In the fifth clause of the first section of said act is the following proviso, introduced on the motion of Mr. MASON, of Virginia, viz.

"*Provided*, That nothing herein contained shall be construed to impair or qualify any thing contained in the third article of the second section of the 'joint resolution for annexing Texas to the United States,' approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."

In the second section, establishing the Territory of New Mexico, is the following proviso:

"*And provided, further*, That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, *with or without slavery*, as their Constitution may prescribe."

2. An act to establish a Territorial Government for Utah.—[September 9, 1850.] This act contains the same provision in regard to slavery as the preceding.

3. An act for the admission of the State of California. This has no reference whatever to slavery; the Constitution of the State, however, prohibited it.

4. An act to amend and supplementary to the act entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," approved February 12, 1793.—[September 16, 1850.]

5. An act to suppress the slave trade in the District of Columbia.—[September 20, 1850.]

These five acts constitute what are called the compromise measures of 1850.

They *renew* the Missouri compromise in regard to the territory north of 36° 30′; agree to admit New Mexico and Utah as States when prepared, *with or without slavery*, as the people thereof may determine in their respective State Constitutions; admit California with her Constitution as presented, prohibiting slavery within the State; abolish the slave trade within the District of Columbia; and enact more stringent measures for the recovery of fugitive slaves.

Mr. DOUGLAS, in his amendment to the Nebraska bill now pending, declares that this legislation is "inconsistent with the Missouri compromise of 1820," and therefore "inoperative and void." And upon this issue the debate is proceeding in the Senate.

* See Works of W. H. Seward, Vol. I. J. S. Redfield, Publisher.

THE COMPROMISES OF 1850.

SPEECH OF THE HON. WILLIAM H. SEWARD,

IN THE SENATE, MARCH 11, 1850.

ON THE ADMISSION OF CALIFORNIA.

THE resolution, submitted by MR. BENTON, proposing to instruct the Committee on Territories to introduce a bill for the admission of California, disconnected from all other subjects, being under consideration—

MR. SEWARD rose and said:

MR. PRESIDENT: Four years ago, California, a Mexican Province, scarcely inhabited and quite unexplored, was unknown even to our usually immoderate desires, except by a harbor, capacious and tranquil, which only statesmen then foresaw would be useful in the oriental commerce of a far-distant, if not merely chimerical, future.

A year ago, California was a mere military dependency of our own, and we were celebrating with unanimity and enthusiasm its acquisition, with its newly-discovered but yet untold and untouched mineral wealth, as the most auspicious of many and unparalleled achievements.

To-day, California is a State, more populous than the least and richer than several of the greatest of our thirty States. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself.

No wonder if we are perplexed with ever-changing embarrassments! No wonder if we are appalled by ever-increasing responsibilities! No wonder if we are bewildered by the ever-augmenting magnitude and rapidity of national vicissitudes!

SHALL CALIFORNIA BE RECEIVED? For myself, upon my individual judgment and conscience, I answer, Yes. For myself, as an instructed representative of one of the States, of that one even of the States which is soonest and longest to be pressed in commercial and political rivalry by the new Commonwealth, I answer, Yes. Let California come in. Every new State, whether she come from the East or from the West, every new State, coming from whatever part of the continent she may, is always welcome. But California, that comes from the clime where the West dies away into the rising East—California, that bounds at once the empire and the continent—California, the youthful queen of the Pacific, in her robes of freedom, gorgeously inlaid with gold—is doubly welcome.

And now I inquire, first, *Why should California be rejected?* All the objections are founded only in the circumstances of her coming, and in the organic law which she presents for our confirmation.

1st. California comes UNCEREMONIOUSLY, without a *preliminary* consent of Congress, and therefore by usurpation. This allegation, I think, is not quite true; at least not quite true in spirit. California is here not of her own pure volition. We tore California violently from her place in the Confederation of Mexican States, and stipulated, by the treaty of Guadalupe Hidalgo, that the territory should be admitted by States into the American Union as speedily as possible.

But the letter of the objection still holds. California does come without having obtained a preliminary consent of Congress to form a Constitution. But Michigan and other States presented themselves in the same unauthorized way, and Congress *waived the irregularity*, and sanctioned the usurpation. California pleads these precedents. Is not the plea sufficient?

But it has been said by the honorable Senator from South Carolina, [MR. CALHOUN,] that the Ordinance of 1787 secured to Michigan the *right to* become a State, when she should have sixty thousand inhabitants, and that, owing to some neglect, Congress delayed taking the census. This is said in palliation of the irregularity of Michigan. But California, as has been seen, had a treaty, and Congress, instead of giving previous consent, and instead of giving her the customary Territorial Government, as they did to Michigan, failed to do either, and thus practically refused both, and so abandoned the new community, under most unpropitious circumstances, to anarchy. California then made a Constitution for herself, but not unnecessarily and presumptuously, as Michigan did. She made a Constitution for herself, and she comes here under the law, the paramount law, of self-preservation.

In that she stands justified. Indeed, California is more than justified. She was a *colony*, a *military* colony. All colonies, especially military colonies, are incongruous with our political system, and they are equally open to corruption and exposed to oppression. They are, therefore, not more unfortunate in their own proper condition than fruitful of dangers to the parent Democracy. California, then, acted wisely and well in establishing self-government. She deserves, not rebuke, but praise and approbation. Nor does this objection come with a good grace from those who offer it. If California were now content to receive only a Territorial charter, we could not agree to grant it without an inhibition of slavery, which, in that case, being a Federal act, would render the attitude of California, as a Territory, even more offensive to those who now repel her than she is as a State, with the same inhibition in the Constitution of her own voluntary choice.

A second objection is, that *California has assigned*

her own boundaries without the previous authority of Congress. But she was left to organize herself without any boundaries fixed by previous law or by prescription. She was obliged, therefore, to assume boundaries, since without boundaries she must have remained unorganized.

A third objection is, that *California is too large.*

I answer, first, there is no common standard of States. California, although greater than many, is less than one of the States.

Secondly. California, if too large, may be divided with her own consent, and a similar provision is all the security we have for reducing the magnitude and averting the preponderance of Texas.

Thirdly. The boundaries of California seem not at all *unnatural.* The territory circumscribed is altogether contiguous and compact.

Fourthly. The boundaries are *convenient.* They embrace only inhabited portions of the country, commercially connected with the port of San Francisco. No one has pretended to offer boundaries more in harmony with the physical outlines of the region concerned, or more convenient for civil administration.

But to draw closer to the question, What shall be the boundaries of a new State? concerns—

First. The State herself; and California, of course, is content.

Secondly. Adjacent communities; Oregon does not complain of encroachment, and there is no other adjacent community to complain.

Thirdly. The other States of the Union; the larger the Pacific States, the smaller will be their relative power in the Senate. All the States now here are either Atlantic States or inland States, and surely they may well indulge California in the largest liberty of boundaries.

The fourth objection to the admission of California is, that *no census had been taken, and no laws prescribing the qualifications of suffrage and the apportionment of Representatives in Convention, existed before her Convention was held.*

I answer, California was left to act *ab initio.* She must begin somewhere, without a census, and without such laws. The Pilgrim Fathers began in the same way on board the May-Flower; and, since it has been objected that some of the electors in California may have been aliens, I add, that all of the Pilgrim Fathers were aliens and strangers to the Commonwealth of Plymouth.

Again, the objection may well be *waived,* if the Constitution of California is satisfactory, first to herself, secondly to the United States.

Not a murmur of discontent has followed California to this place.

As to ourselves, we confine our inquiries about the Constitution of a new State to four things:—

1st. The *boundaries* assumed; and I have considered that point in this case already.

2d. That the domain within the State is secured to us; and it is admitted that this has been properly done.

3d. That the Constitution shall be republican, and not aristocratic and monarchical. In this case the only objection is, that the Constitution, inasmuch as it inhibits slavery, is altogether too republican.

4th. That the representation claimed shall be just and equal. No one denies that the population of California is sufficient to demand two Representatives on the Federal basis; and, secondly, a new census is at hand, and the error, if there is one, will be immediately corrected.

The fifth objection is, *California comes under Executive influence:*—

1st. In her coming as a free State;

2d. In her coming at all.

The first charge rests on suspicion only, is peremptorily denied, and the denial is not controverted by proofs. I dismiss it altogether.

The second is true, to the extent that the President advised the people of California, that, having been left without any civil government, under the military supervision of the Executive, without any authority of law whatever, their adoption of a Constitution, subject to the approval of Congress, would be regarded favorably by the President. Only a year ago, it was complained that the exercise of the military power to maintain law and order in California, was a fearful innovation. But now the wind has changed, and blows even stronger from the opposite quarter.

May this Republic never have a President commit a more serious or more dangerous usurpation of power than the act of the present eminent Chief Magistrate, in endeavoring to induce legislative authority to relieve him from the exercise of military power, by establishing civil institutions regulated by law in distant provinces! Rome would have been standing this day, if she had had only such generals and such tribunes.

But the objection, whether true in part, or even in the whole, is immaterial. The question is, not what moved California to impress any particular feature on her Constitution, nor even what induced her to adopt a Constitution at all; but it is whether, since she has adopted a Constitution, she shall be admitted into the Union.

I have now reviewed all the objections raised against the admission of California. It is seen that they have no foundation in the law of nature and of nations. Nor are they founded in the Constitution, for the Constitution prescribes no form or manner of proceeding in the admission of new States, but leaves the whole to the discretion of Congress. "Congress may admit new States." The objections are all merely formal and technical. They rest on precedents which have not always, nor even generally, been observed. But it is said that we ought now to establish a safe precedent for the future.

I answer, 1st: It is too late to seize this occasion for that purpose. The irregularities complained of being unavoidable, the caution should have been exercised when, 1st, Texas was annexed; 2d, when we waged war against Mexico; or, 3d, when we ratified the treaty of Guadalupe Hidalgo.

I answer, 2d: We may establish precedents at pleasure. Our successors will exercise *their* pleasure about following them, just as we have done in such cases.

I answer, 3d: States, nations, and empires, are apt to be peculiarly capricious, not only as to the *time,* but even as to the *manner,* of their being born, and as to their subsequent political changes. They are not accustomed to conform to precedents. California sprang from the head of the nation, not only complete in proportion and full armed, but ripe for affiliation with its members.

I proceed now to state my reasons for the opinion that CALIFORNIA OUGHT TO BE ADMITTED. The population of the United States consists of natives of Caucasian origin, and exotics of the same derivation. The native mass rapidly assimilates to itself and absorbs the exotic, and thus these constitute one homogeneous people. The African race, bond and free, and the aborigines, savage and civilized, being incapable of such assimilation and absorption, remain distinct, and, owing to their peculiar condition,

they constitute inferior masses, and may be regarded as accidental if not disturbing political forces. The ruling homogeneous family planted at first on the Atlantic shores, and following an obvious law, is seen continually and rapidly spreading itself westward year by year, subduing the wilderness and the prairie, and thus extending this great political community, which, as fast as it advances, breaks into distinct States for municipal purposes only, while the whole constitutes one entire contiguous and compact nation.

Well-established calculations in political arithmetic enables us to say that the aggregate population of the nation now is - - - - - 22,000,000
That 10 years hence it will be - - 30,000,000
That 20 years hence it will be - - 38,000,000
That 30 years hence it will be - - 50,000,000
That 40 years hence it will be - - 64,000,000
That 50 years hence it will be - - 80.000,000
That 100 years hence, that is, in the year 1950, it will be - - - - 200,000,000

equal nearly to one-fourth of the present aggregate population of the globe, and double the population of Europe at the time of the discovery of America. But the advance of population on the Pacific will far exceed what has heretofore occurred on the Atlantic coast, while emigration even here is outstripping the calculations on which the estimates are based. There are silver and gold in the mountains and ravines of California. The granite of New England and New York is barren.

Allowing due consideration to the increasing density of our population, we are safe in assuming, that long before this mass shall have attained the maximum of numbers indicated, the entire width of our possessions from the Atlantic to the Pacific ocean will be covered by it, and be brought into social maturity and complete political organization.

The question now arises, Shall this one great people, having a common origin, a common language, a common religion, common sentiments, interests, sympathies, and hopes, remain one political State, one nation, one Republic, or shall it be broken into two conflicting and probably hostile Nations or Republics? There cannot ultimately be more than two; for the habit of association is already formed, as the interests of mutual intercourse are being formed. It is already ascertained where the centre of political power must rest. It must rest in the agricultural interests and masses, who will occupy the interior of the continent. These masses, if they cannot all command access to both oceans, will not be obstructed in their approaches to that one, which offers the greatest facilities to their commerce.

Shall the American people, then, be divided? Before deciding on this question, let us consider our position, our power, and capabilities.

The world contains no seat of empire so magnificent as this; which, while it embraces all the varying climates of the temperate zone, and is traversed by wide expanding lakes and long-branching rivers, offers supplies on the Atlantic shores to the overcrowded nations of Europe, while on the Pacific coast it intercepts the commerce of the Indies. The nation thus situated, and enjoying forest, mineral, and agricultural resources unequalled, if endowed also with moral energies adequate to the achievement of great enterprises, and favored with a Government adapted to their character and condition, must command the empire of the seas, which alone is real empire.

We think that we may claim to have inherited physical and intellectual vigor, courage, invention, and enterprise; and the systems of education prevailing among us open to all the stores of human science and art.

The old world and the past were allotted by Providence to the pupilage of mankind, under the hard discipline of arbitrary power, quelling the violence of human passions. The new world and the future seem to have been appointed for the maturity of mankind, with the development of self-government operating in obedience to reason and judgment.

We have thoroughly tried our novel system of Democratic Federal Government, with its complex, yet harmonious and effective combination of distinct local elective agencies, for the conduct of domestic affairs, and its common central elective agencies, for the regulation of internal interests and of intercourse with foreign nations; and we know that it is a system equally cohesive in its parts, and capable of all desirable expansion; and that it is a system, moreover, perfectly adapted to secure domestic tranquility, while it brings into activity all the elements of national aggrandizement. The Atlantic States, through their commercial, social, and political affinities and sympathies, are steadily renovating the Governments and the social constitutions of Europe and of Africa. The pacific States must necessarily perform the same sublime and beneficent functions in Asia. If, then, the American people shall remain an undivided nation, the ripening civilization of the West, after a separation growing wider and wider for four thousand years, will, in its circuit of the world, meet again and mingle with the declining civilization of the East on our own free soil, and a new and more perfect civilization will arise to bless the earth, under the sway of our own cherished and beneficent democratic institutions.

We may then reasonably hope for greatness, felicity, and renown, excelling any hitherto attained by any nation, if, standing firmly on the continent, we loose not our grasp on the shore of either ocean. Whether a destiny so magnificent would be only partially defeated or whether it would be altogether lost, by a relaxation of that grasp, surpasses our wisdom to determine, and happily it is not important to be determined. It is enough, if we agree that expectations so grand, yet so reasonable and so just, ought not to be in any degree disappointed. And now it seems to me that the perpetual unity of the Empire hangs on the decision of this day and of this hour.

California is already a State, a complete and fully appointed State. She never again can be less than that. She can never again be a province or a colony; nor can she be made to shrink and shrivel into the proportions of a federal dependent Territory. California, then, henceforth and for ever, must be what she is now, a State.

The question whether she shall be one of the United States of America *has* depended on her and on us. Her election has been made. Our consent alone remains suspended; and that consent must be pronounced now or never. I say *now* or *never*. Nothing prevents it now, but want of agreement among ourselves. Our harmony can not increase while this question remains open. We shall never agree to admit California, unless we agree now. Nor will California abide delay. I do not say that she contemplates independence; but, if she does not, it is because she does not anticipate rejection. Do you say that she can have no motive? Consider, then, her attitude, if rejected. She needs a Constitution, a Legislature, and Magistrates; she needs titles to that golden domain of yours within her

borders; good titles, too; and you must give them on your own terms, or she must take them without your leave. She needs a mint, a customhouse, wharves, hospitals, and institutions of learning; she needs fortifications, and roads, and railroads; she needs the protection of an army and a navy; either your stars and stripes must wave over her ports and her fleets, or she must raise aloft a standard for herself; she needs, at least, to know whether you are friends or enemies; and, finally, she needs, what no American community can live without, sovereignty and independence—either a just and equal share of yours, or sovereignty and independence of her own.

Will you say that California could not aggrandize herself by separation? Would it, then, be a mean ambition to set up within fifty years, on the Pacific coast, monuments like those which we think two hundred years have been well spent in establishing on the Atlantic coast?

Will you say that California has no ability to become independent? She has the same moral ability for enterprise that inheres in us, and that ability implies command of all physical means. She has advantages of position. She is practically further removed from us than England. We can not reach her by railroad, nor by unbroken steam navigation. We can send no armies over the prairie, the mountain, and the desert, nor across the remote and narrow Isthmus within a foreign jurisdiction, nor around the Cape of Storms. We may send a navy there, but she has only to open her mines, and she can seduce our navies and appropriate our floating bulwarks to her own defence. Let her only seize our domain within her borders, and our commerce in her ports, and she will have at once revenues and credit adequate to all her necessities. Besides, are we so moderate, and has the world become so just, that we have no rivals and no enemies to lend their sympathies and aid to compass the dismemberment of our empire?

Try not the temper and fidelity of California—at least not now, not yet. Cherish her and indulge her until you have extended your settlements to her borders, and bound her fast by railroads, and canals, and telegraphs, to your interests—until her affinities of intercourse are established, and her habits of loyalty are fixed—and then she can never be disengaged.

California would not go alone. Oregon, so intimately allied to her, and as yet so loosely attached to us, would go also; and then at least the entire Pacific coast, with the western declivity of the Sierra Nevada, would be lost. It would not depend at all upon us, nor even on the mere forbearance of California, how far eastward the long line across the temperate zone should be drawn, which should separate the Republic of the Pacific from the Republic of the Atlantic. Terminus has passed away, with all the deities of the ancient Pantheon, but his sceptre remains. Commerce is the God of boundaries, and no man now living can foretell his ultimate decree.

But it is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY!

I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED; because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises, not absolutely necessary, radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present, on questions prematurely anticipated. And they are acts of usurpation as to future questions of the province of future legislators.

Sir, it seems to me as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and that my utterance forever is arrested upon all the great questions—social, moral, and political—arising out of a subject so important, and as yet so incomprehensible.

What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of the claim to perpetuate slavery in the District of Columbia; a forbearance toward more stringent laws concerning the arrest of persons suspected of being slaves found in the free States; forbearance from the *Proviso* of Freedom in the charters of new territories. None of the plans of compromise offered demand less than two, and most of them insist on all of these conditions. The equivalent, then, is, some portion of liberty, some portion of human rights in one region for liberty in another region. But California brings gold and commerce as well as freedom. I am, then, to surrender some portion of human freedom in the District of Columbia, and in East California and New Mexico, for the mixed consideration of liberty, gold, and power, on the Pacific coast.

This view of legislative compromises is not *new*. It has widely prevailed, and many of the State Constitutions interdict the introduction of more than one subject into one bill submitted for legislative action.

It was of such compromises that Burke said, in one of the loftiest bursts of even his majestic parliamentary eloquence:—

"Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times further from them, as far as from pole to pole, be the whole tribe of spurious, affected, counterfeit, and hypocritical virtues! These are the things which are ten thousand times more at war with real virtue, than those things which are ten thousand times more at war with real duty, than any vice known by its name and distinguished by its proper character.

"Far, far from us be that false and affected candor that is eternally in treaty with crime—that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is, to a just man's eye, an odious and disgusting thing. There is no middle point, my Lords, in which the Commons of Great Britain can meet tyranny and oppression."

But, sir, if I could overcome my repugnance to compromises in general, I should object to this one, on the ground of the *inequality* and *incongruity* of the interests to be compromised. Why, sir, according to the views I have submitted, California ought to come in, and must come in, whether slavery stand or fall in the District of Columbia; whether slavery stand or fall in New Mexico and Eastern California; and even whether slavery stand or fall in the slave States. California ought to come in, being a free State; and, under the circumstances of her conquest, her compact, her abandonment, her justifiable and necessary establishment of a Constitution, and the inevitable dismemberment of the empire consequent upon her rejection, I should have voted for her admission even if she had come as a slave State. California ought to come in, and must come in at a

events. It is, then, an independent, a paramount question. What, then, are these questions arising out of slavery, thus interposed, but collateral questions? They are unnecessary and incongruous, and therefore false issues, not introduced designedly, indeed, to defeat that great policy, yet unavoidably tending to that end.

Mr. FOOTE. Will the honorable Senator allow me to ask him, if the Senate is to understand him as saying that he would vote for the admission of California if she came here seeking admission as a slave State?

Mr. SEWARD. I reply, as I said before, that even if California had come as a slave State, yet coming under the extraordinary circumstances I have described, and in view of the consequences of a dismemberment of the empire, consequent upon her rejection, I should have voted for her admission, even though she had come as a slave State. But I should not have voted for her admission otherwise.

I remark in the next place, that consent on my part would be disingenuous and fraudulent, because the compromise would be unavailing.

It is now avowed by the honorable Senator from South Carolina, [Mr. CALHOUN,] that nothing will satisfy the slave States but a compromise that will convince them that they can remain in the Union consistently with their honor and their safety. And what are the concessions which will have that effect? Here they are, in the words of that Senator:—

"The North must do justice by conceding to the South an equal right in the acquired territory, and do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—cease the agitation of the slave question—and provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South in substance the power she possessed, of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government."

The terms amount to this: that the free States having already, or although they may hereafter have, majorities of population, and majorities in both Houses of Congress, shall concede to the slave States, being in a minority in both, the unequal advantage of an equality. That is, that we shall alter the Constitution so as to convert the Government from a national democracy, operating by a constitutional majority of voices, into a Federal alliance, in which the minority shall have a veto against the majority. And this is nothing less than to return to the original Articles of Confederation.

I will not stop to protest against the injustice or the inexpediency of an innovation which, if it was practicable, would be so entirely subversive of the principle of democratic institutions. It is enough to say that it is totally impracticable. The free States, Northern and Western, have acquiesced in the long and nearly-unbroken ascendency of the slave States under the Constitution, because the result happened under the Constitution. But they have honor and interests to preserve, and there is nothing in the nature of mankind or in the character of that people to induce an expectation that they, loyal as they are, are insensible to the duty of defending them. But the scheme would still be impracticable, even if this difficulty were overcome. What is proposed is a *political* equilibrium. Every political equilibrium requires a *physical* equilibrium to rest upon, and is valueless without it. To constitute a physical equilibrium between the slave States and the free States, requires, first, an equality of territory, or some near approximation. And this is already lost. But it requires much more than this. It requires an equality or a proximate equality in the number of slaves and freemen. And this must be perpetual.

But the census of 1840 gives a slave basis of only 2,500,000, and a free basis of 14,500,000. And the population on the slave basis increases in the ratio of 25 per cent. for ten years, while that on the free basis advances at the rate of 38 per cent. The accelerating movement of the free population now complained of, will occupy the new Territories with pioneers, and every day increases the difficulty of forcing or insinuating slavery into regions which freemen have pre-occupied. And if this were possible, the African slave-trade is prohibited, and the domestic increase is not sufficient to supply the new slave States which are expected to maintain the equilibrium. The theory of a new political equilibrium claims that it once existed, and has been lost. When lost, and how? It began to be lost in 1787, when preliminary arrangements were made to admit five new free States in the Northwest Territory, two years before the Constitution was finally adopted; that is, it began to be lost two years before it began to exist!

Sir, the equilibrium, if restored, would be lost again, and lost more rapidly than it was before. The progress of the free population is to be accelerated by increased emigration, and by new tides from South America and from Europe and Asia, while that of the slaves is to be checked and retarded by inevitable partial emancipation. "Nothing," says Montesquieu, "reduces a man so low as always to see freemen, and yet not be free. Persons in that condition are natural enemies of the state, and their numbers would be dangerous if increased too high." Sir, the fugitive slave colonies and the emancipated slave colonies in the free States, in Canada, and in Liberia, are the best guaranties South Carolina has for the perpetuity of slavery.

Nor would success attend any of the details of the compromise. And, first, I advert to the proposed alteration of the law concerning fugitives from service or labor. I shall speak on this, as on all subjects, with due respect, but yet frankly, and without reservation. The Constitution contains only a compact, which rests for its execution on the States. Not content with this, the slave States induced legislation by Congress; and the Supreme Court of the United States have virtually decided that the whole subject is within the province of Congress, and exclusive of State authority. Nay, they have decided that slaves are to be regarded, not merely as persons to be claimed, but as property and chattels, to be seized without any legal authority or claim whatever. The compact is thus subverted by the procurement of the slave States. With what reason, then, can they expect the States *ex gratia* to reassume the obligations from which they caused those States to be discharged? I say, then, to the slave States, you are entitled to no more stringent laws; and that such laws would be useless. The cause of the inefficiency of the present statute is not at all the leniency of its provisions. It is a law that deprives the alleged refugee from a legal obligation not assumed by him, but imposed upon him by laws enacted before he was born, of the writ of *habeas corpus*, and of any certain judicial process of examination of the claim set up by his pursuer, and finally degrades him into a chattel which may be seized and carried away peaceably wherever found, even although exercising the rights and responsibilities of a free citizen of the Commonwealth in which he resides, and of the United States—a law which denies to the citizen all the safeguards of personal liberty, to render less frequent

the escape of the bondman. And since complaints are so freely made against the one side, I shall not hesitate to declare that there have been even greater faults on the other side. Relying on the perversion of the Constitution which makes slaves mere chattels, the slave States have applied to them the principles of the criminal law, and have held that he who aided the escape of his fellow-man from bondage was guilty of a larceny in stealing him. I speak of what I know. Two instances came within my own knowledge, in which Governors of slave States, under the provision of the Constitution relating to fugitives from justice, demanded from the Governor of a free State the surrender of persons as thieves whose alleged offences consisted in constructive larceny of the rags that covered the persons of female slaves, whose attempt at escape they permitted or assisted.

We deem the principle of the law for the recapture of fugitives, as thus expounded, therefore, unjust, unconstitutional, and immoral; and thus, while patriotism withholds its approbation, the consciences of our people condemn it.

You will say that these convictions of ours are disloyal. Grant it for the sake of argument. They are, nevertheless, honest; and the law is to be executed among us, not among you; not by us, but by the Federal authority. Has any Government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We reverence the Constitution, although we perceive this defect, just as we acknowledge the splendor and the power of the sun, although its surface is tarnished with here and there an opaque spot.

Your Constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind except you esteem that hospitality a virtue. The right of extradition of a fugitive from justice is not admitted by the law of nature and of nations, but rests in voluntary compacts. I know of only two compacts found in diplomatic history that admitted EXTRADITION OF SLAVES. Here is one of them. It is found in a treaty of peace made between Alexander Comnenus and Leontine, Greek Emperors at Constantinople, and Oleg, King of Russia, in the year 902, and is in these words:—

"If a Russian slave take flight, or even if he is carried away by any one under pretence of having been bought, his master shall have the right and power to pursue him, and hunt for and capture him wherever he shall be found; and any person who shall oppose the master in the execution of this right shall be deemed guilty of violating this treaty, and be punished accordingly."

This was in the year of Grace 902, in the period called the "Dark Ages," and the contracting Powers were despotisms. And here is the other:—

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor is due."

This is from the Constitution of the United States in 1787, and the parties were the republican States of this Union. The law of nations disavows such compacts; the law of nature, written on the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that here are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for States, especially when we are founding States, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it. This principle was happily explained by one of the most distinguished political philosophers of England in these emphatic words:

"There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity, the law of nature and of nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect, by their declarations, such laws enter into the sanctuary and participate in the sacredness of its character; but the man who quotes as precedents the abuses of tyrants and robbers, pollutes the very fountains of justice, destroys the foundations of all law, and therefore removes the only safeguard against evil men, whether governors or governed; the guard which prevents governors from becoming tyrants, and the governed from becoming rebels."

There was deep philosophy in the confession of an eminent English judge. When he had condemned a young woman to death, under the late sanguinary code of his country, for her first petty theft, she fell down dead at his feet: "I seem to myself," said he, "to have been pronouncing sentence, not against the prisoner, but against the law itself."

To conclude on this point. We are not slaveholders. We cannot, in our judgment, be either true Christians or real freemen, if we impose on another a chain that we defy all human power to fasten on ourselves. You believe and think otherwise, and doubtless with equal sincerity. We judge you not, and He alone who ordained the conscience of man and its laws of action can judge us. Do we, then, in this conflict of opinion, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you shall be your own police, and, in acting among us as such, you shall conform to principles indispensable to the security of admitted rights of freemen? If you will have this law executed, you must alleviate, not increase, its rigors.

Another feature in most of these plans of compromise is a bill of peace for slavery in the District of Columbia; and this bill of peace we cannot grant. We of the free States are, equally with you of the slave States, responsible for the existence of slavery in this District, the field exclusively of our common legislation. I regret that, as yet, I see little reason to hope that a majority in favor of emancipation exists here. The Legislature of New York—from whom, with great deference, I dissent—seems willing to accept now the extinction of the slave trade, and waive emancipation. But we shall assume the whole responsibility, if we stipulate not to exercise the power hereafter when a majority shall be obtained. Nor will the plea with which you would furnish us be of any avail. If I could understand so mysterious a paradox myself, I never should be able to explain, to the apprehension of the people whom I represent, how it was that an absolute and express power to legislate in all cases over the District of Columbia, was embarrassed and defeated by an implied condition not to legislate for the abolition of slavery in this District. Sir, I shall vote for that measure, and am willing to appropriate any means necessary to carry it into execution. And, if I shall be asked what I did to embellish the capital of my country, I will point to her freedmen, and say, these are the monuments of my munificence!

If I was willing to advance a cause that I deem sacred by disingenuous means, I would advise you to adopt those means of compromise which I have thus examined. The echo is not quicker in its response than would be that loud and universal cry

of repeal, that would not die away until the *habeas corpus* was secured to the alleged fugitive from bondage, and the symmetry of the free institutions of the capital was perfected.

I apply the same observations to the proposition for a waiver of the Proviso of Freedom in Territorial charters. Thus far you have only direct popular action in favor of that Ordinance, and there seems even to be a partial disposition to await the action of the people of the new Territories, as we have compulsorily waited for it in California. But I must tell you, nevertheless, in candor and in plainness, that the spirit of the people of the free States is set upon a spring that rises with the pressure put upon it. That spring, if pressed too hard, will give a recoil that will not leave here one servant who knew his master's will, and did it not.

You will say that this implies violence. Not at all. It implies only peaceful, lawful, constitutional, customary action. I cannot too strongly express my surprise that those who insist that the people of the slave States cannot be held back from remedies outside of the Constitution, should so far misunderstand us of the free States as to suppose we would not exercise our constitutional rights to sustain the policy which we deem just and beneficent.

I come now to notice the suggested *compromise of the boundary between Texas and New Mexico.* This is a judicial question in its nature, or at least a question of legal right and title. If it is to be compromised at all, it is due to the two parties, and to national dignity as well as to justice, that it be kept separate from compromises proceeding on the ground of expediency, and be settled by itself alone.

I take this occasion to say, that while I do not intend to discuss the questions alluded to in this connection by the honorable and distinguished Senator from Massachusetts, I am not able to agree with him in regard to the alleged obligation of Congress to admit four new slave States, to be formed in the State of Texas. There are several questions arising out of that subject, upon which I am not prepared to decide now, and which I desire to reserve for future consideration. One of these is, whether the Article of Annexation does really deprive Congress of the right to exercise its choice in regard to the subdivision of Texas into four additional States. It seems to me by no means so plain a question as the Senator from Massachusetts assumed, and that it must be left to remain an open question, as it is a great question, whether Congress is not a party whose future consent is necessary to the formation of new States out of Texas.

Mr. WEBSTER. Supposing Congress to have the authority to fix the number, and time of election, and apportionment of Representatives, &c., the question is, whether, if new States are formed out of Texas, to come into this Union, there is not a solemn pledge by law that they have a right to come in as slave States?

Mr. SEWARD. When the States are once formed, they have the right to come in as free or slave States, according to their own choice; but what I insist is, that they cannot be formed at all without the consent of Congress, to be hereafter given, which consent Congress is not obliged to give. But I pass that question for the present, and proceed to say that I am not prepared to admit that the Article of the Annexation of Texas is itself constitutional. I find no authority in the Constitution of the United States for the annexation of foreign countries by a resolution of Congress, and no power adequate to that purpose but the treaty-making power of the President and the Senate. Entertaining this view, I must insist that the constitutionality of the annexation of Texas itself shall be cleared up before I can agree to the admission of any new States to be formed within Texas.

Mr. FOOTE. Did not I hear the Senator observe that he would admit California, whether slavery was or was not precluded from these Territories?

Mr. SEWARD. I said I would have voted for the admission of California even as a slave State, under the extraordinary circumstances which I have before distinctly described. I say that now; but I say also, that before I would agree to admit any more States from Texas, the circumstances which render such act necessary must be shown, and must be such as to determine my obligation to do so; and that is precisely what I insist cannot be settled now. It must be left for those to whom the responsibility will belong.

Mr. President, I understand, and I am happy in understanding, that I agree with the honorable Senator from Massachusetts, that there is no obligation upon Congress to admit four new slave States out of Texas, but that Congress has reserved her right to say whether those States shall be formed and admitted or not. I shall rely on that reservation. I shall vote to admit no more slave States, unless under circumstances absolutely compulsory—and no such case is now foreseen.

Mr. WEBSTER. What I said was, that if the States hereafter to be made out of Texas choose to come in as slave States, they have a right so to do.

Mr. SEWARD. My position is, that they have not a right to come in at all, if Congress rejects their institutions. The subdivision of Texas is a matter optional with both parties, Texas and the United States.

Mr. WEBSTER. Does the honorable Senator mean to say that Congress can hereafter decide whether they shall be slave or free States?

Mr. SEWARD. I mean to say that Congress can hereafter decide whether any States, slave or free, can be framed out of Texas. If they should never be framed out of Texas, they never could be admitted.

Another objection arises out of the principle on which the demand for compromise rests. That principle assumes a classification of the States as Northern and Southern States, as it is expressed by the honorable Senator from South Carolina, [Mr. CALHOUN,] but into slave States and free States, as more directly expressed by the honorable Senator from Georgia, [Mr. BERRIEN.] The argument is, that the States are severally equal, and that these two classes were equal at the first, and that the Constitution was founded on that equilibrium; that the States being equal, and the classes of the States being equal in rights, they are to be regarded as constituting an association in which each State, and each of these classes of States, respectively, contribute in due proportions; that the new Territories are a common acquisition, and the people of these several States and classes of States have an equal right to participate in them, respectively; that the right of the people of the slave States to emigrate to the Territories with their slaves as property is necessary to afford such a participation on their part, inasmuch as the people of the free States emigrate into the same Territories with their property. And the argument deduces from this right the principle that, if Congress exclude slavery from any part of this new domain, it would be only just to set off a portion of the domain—some say south of 36 deg. 30 min.,

others south of 34 deg.—which should be regarded at least as free to slavery, and to be organized into slave States.

Argument ingenious and subtle, declamation earnest and bold, and persuasion gentle and winning as the voice of the turtle dove when it is heard in the land, all alike and altogether have failed to convince me of the soundness of this principle of the proposed compromise, or of any one of the propositions on which it is attempted to be established.

How is the original equality of the States proved? It rests on a syllogism of Vattel, as follows: All men are equal by the law of nature and of nations. But States are only lawful aggregations of individual men, who severally are equal. Therefore, States are equal in natural rights. All this is just and sound. But assuming the same premises, to wit, that all men are equal by the law of nature and of nations, the right of property in slaves falls to the ground; for one who is equal to another cannot be the owner or property of that other. But you answer, that the Constitution recognises property in slaves. It would be sufficient, then, to reply, that this constitutional recognition must be void, because it is repugnant to the law of nature and of nations. But I deny that the Constitution recognises property in man. I submit, on the other hand, most respectfully, that the Constitution not merely does not affirm that principle, but, on the contrary, altogether excludes it.

The Constitution does not *expressly* affirm anything on the subject; all that it contains is two incidental allusions to slaves. These are, first, in the provision establishing a ratio of representation and taxation; and, secondly, in the provision relating to fugitives from labor. In both cases, the Constitution designedly mentions slaves, not as slaves, much less as chattels, but as *persons*. That this recognition of them as persons was designed as historically known, and I think was never denied. I give only two of the manifold proofs. First, JOHN JAY, in the *Federalist*, says:

"Let the case of the slaves be considered, as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted which regards them as *inhabitants*, but as debased below the equal level of free inhabitants, which regards the slave as divested of two-fifths of the man."

Yes, sir, of two-fifths, but of only two-fifths; leaving still three-fifths; leaving the slave still an *inhabitant*, a person, a living, breathing, moving, reasoning, immortal man.

The other proof is from the Debates in the Convention. It is, brief, and I think instructive:

"AUGUST 28, 1787.

"MR. BUTLER and MR. PINCKNEY moved to require fugitive slaves and servants to be delivered up like convicts.

"MR. WILSON. This would oblige the Executive of the State to do it at public expense.

"MR. SHERMAN saw no more propriety in the public seizing and surrendering a slave or a servant than a horse.

"MR. BUTLER withdrew his proposition, in order that some particular provision might be made, apart from this article."

"AUGUST 29, 1787.

"MR. BUTLER moved to insert after article 15: 'If any person bound to service or labor in any of the United States shall escape into another State he or she shall not be discharged from such service or labor in consequence of any regulation subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor.'"

"After the engrossment, September 15, page 550, article 4, section 2, the third paragraph, the term 'legally' was struck out, and the words 'under the laws thereof' inserted after the word 'State,' in compliance with the wishes of some who thought the term 'legal' equivocal, and favoring the idea that slavery was legal in a *moral view*."—*Madison Debates*, pp. 487, 492.

I deem it established, then, that the Constitution does not recognise property in man, but leaves that question, as between the States, to the law of nature and of nations. That law, as expounded by Vattel, is founded on the reason of things. When God had created the earth, with its wonderful adaptations, He gave dominion over it to Man, absolute human dominion. The title of that dominion, thus bestowed, would have been incomplete, if the Lord of all terrestrial things could himself have been the property of his fellow-man.

The right to *have* a slave implies the right in some one to *make* the slave; that right must be equal and mutual, and this would resolve society into a state of perpetual war. But if we grant the original equality of the States, and grant also the constitutional recognition of slaves as property, still the argument we are considering fails. Because the States are not parties to the Constitution as States; it is the Constitution of the People of the United States.

But even if the States continue as States, they surrendered their equality as States, and submitted themselves to the sway of the numerical majority, with qualification or checks; first, of the representation of three-fifths of slaves in the ratio of representation and taxation: and, secondly, of the equal representation of States in the Senate.

The proposition of an established classification of States as *slave States* and *free States*, as insisted on by some, and into *Northern* and *Southern*, as maintained by others, seems to me purely imaginary, and of course the supposed equilibrium of those classes a mere conceit. This must be so, because, when the Constitution was adopted, twelve of the thirteen States were slave States, and so there was no equilibrium. And as to the classification of States as Northern States and Southern States. It is the maintenance of slavery by law in a State, not parallels of latitude, that makes it a Southern State; and the absence of this, that makes it a Northern State. And so all the States, save one, were Southern States, and there was no equilibrium. But the Constitution was made not only for Southern and Northern States, but for States neither Northern nor Southern—the Western States, their coming in being foreseen and provided for.

It needs little argument to show that the idea of a joint stock association, or a copartnership, as applicable even by its analogies to the United States, is erroneous, with all the consequences fancifully deduced from it. The United States are a political state, or organized society, whose end is government, for the security, welfare, and happiness of all who live under its protection. The theory I am combating reduces the objects of government to the mere spoils of conquest. Contrary to a theory so debasing, the preamble of the Constitution not only asserts the sovereignty to be, not in the States, but in the People, but also promulgates the objects of the Constitution:

"We, the people of the United States, in order to form a *more perfect union*, establish *justice*, insure *domestic tranquility*, provide for the *common defence*, promote the GENERAL WELFARE, and secure the *blessings of liberty*, do ordain and establish this Constitution."

Objects sublime and benevolent! They exclude the very idea of conquests, to be either divided among States or even enjoyed by them, for the purpose of securing, not the blessings of liberty, but the evils of slavery. There is a novelty in the principle of the compromise which condemns it. Simultane-

ously with the establishment of the Constitution, Virginia ceded to the United States her domain, which then extended to the Mississippi, and was even claimed to extend to the Pacific Ocean. Congress accepted it, and unanimously devoted the domain to Freedom, in the language from which the Ordinance now so severely condemned was borrowed. Five States have already been organized on this domain, from all of which, in pursuance of that Ordinance, slavery is excluded. How did it happen that this theory of the equality of States, of the classification of States, of the equilibrium of States, of the title of the States to common enjoyment of the domain, or to an equitable and just partition between them, was never promulgated, nor even dreamed of, by the slave States, when they unanimously consented to that Ordinance?

There is another aspect of the principle of compromise which deserves consideration. It assumes that slavery, if not the only institution in a slave State, is at least a ruling institution, and that this characteristic is recognised by the Constitution. But *slavery* is only *one* of many institutions there. Freedom is equally an institution there. Slavery is only a temporary, accidental, partial and incongruous one. Freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter, in common with all the free citizens of the State. But it is, moreover, an indispensable institution. You may separate slavery from South Carolina, and the State will still remain; but if you subvert Freedom there, the State will cease to exist.

But the principle of this compromise gives complete ascendency in the slave States, and in the Constitution of the United States, to the subordinate, accidental, and incongruous institution over its paramount antagonist. To reduce this claim for slavery to an absurdity, it is only necessary to add that there are only two States in which slaves are a majority, and not one in which the slaveholders are not a very disproportionate minority.

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old States. It is true, indeed, that the national domain is ours. It is true it was acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty.

But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness. How momentous that trust is, we may learn from the instructions of the founder of modern philosophy:

"No man," says Bacon, "can by care-taking, as the Scripture saith, add a cubit to his stature in this little model of a man's body; but, in the great frame of kingdoms and commonwealths, it is in the power of princes or estates to add amplitude and greatness to their kingdoms. For, by introducing such ordinances, constitutions, and customs, as are wise, they may sow greatness to their posterity and successors. But these things are commonly not observed, but left to take their chance."

This is a State, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other "kingdom" or "estate" is due to the fortunate circumstance that our ancestors did not leave things to "take their chance," but that they "added amplitude and greatness" to our commonwealth "by introducing such ordinances, constitutions, and customs, as were wise." We in our turn have succeeded to the same responsibilities, and we cannot approach the duty before us wisely or justly, except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors."

And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions—shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust—shall we establish human bondage, or permit it by our sufferance to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State, which, if it had had the free alternative as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law under which the States of Ohio, Indiana, Michigan, Illinois, and Wisconsin, have since come into the Union, and they solemnly repudiated and excluded slavery from those States forever. I confess that the most alarming evidence of our degeneracy which has yet been given is found in the fact that we even debate such a question.

Sir, there is no Christian nation, thus free to choose as we are, which would establish slavery. I speak on due consideration, because Britain, France, and Mexico, have abolished slavery, and all other European States are preparing to abolish it as speedily as they can. We cannot establish slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit or ought to admit, and recognise as essential; and these are the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it prevails and controls in any republican State, just to that extent it subverts the principle of democracy, and converts the State into an aristocracy or a despotism. I will not offend sensibilities by drawing my proofs from the slave States existing among ourselves. But I will draw them from the greatest of the European slave States.

The population of Russia in Europe, in 1844, was	54,251,000
Of these were serf	53,500,000
The residue nobles, clergy, merchants, &c.	751,000

The Imperial Government abandons the control over the fifty-three and a half millions to their own era; and these owners, included in the 751,000, are thus a privileged class, or aristocracy. If ever the Government interferes at all with the serf, who are the only laboring population, it is by edicts designed to abridge their opportunities of education, and thus continue their debasement. What was the origin of this system? Conquest, in which the

captivity of the conquered was made perpetual and hereditary. This, it seems to me, is identical with American slavery, only at one and the same time exaggerated by the greater disproportion between the privileged classes and the slaves in their respective numbers, and yet relieved of the unhappiest feature of American slavery, the distinction of castes. What but this renders Russia at once the most arbitrary despotism and the most barbarous State in Europe? And what is its effect, but industry comparatively profitless, and sedition, not occasional and partial but chronic and pervading the Empire. I speak of slavery not in the language of fancy, but in the language of philosophy. Montesquieu remarked upon the proposition to introduce slavery into France, that the demand for slavery was the demand of luxury and corruption, and not the demand of patriotism. Of all slavery, African slavery is the worst, for it combines practically the features of what is distinguished as real slavery or serfdom with the personal slavery known in the oriental world. Its domestic features lead to vice, while its political features render it injurious and dangerous to the State.

I cannot stop to debate long with those who maintain that slavery is itself practically economical and humane. I might be content with saying that there are some axioms in political science that a statesman or a founder of States may adopt, especially in the Congress of the United States, and that among those axioms are these: That all men are created equal, and have inalienable rights of life, liberty, and the choice of pursuits of happiness; that knowledge promotes virtue, and righteousness exalteth a nation; that freedom is preferable to slavery, and that democratic Governments, where they can be maintained by acquiescence, without force, are preferable to institutions exercising arbitrary and irresponsible power.

It remains only to remark that our own experience has proved the dangerous influence and tendency of slavery. All our apprehensions of dangers, present and future, begin and end with slavery. If slavery, limited as it yet is, now threatens to subvert the Constitution, how can we, as wise and prudent statesmen, enlarge its boundaries and increase its influence, and thus increase already impending dangers? Whether, then, I regard merely the welfare of the future inhabitants of the new Territories, or the security and welfare of the whole people of the United States, or the welfare of the whole family of mankind, I cannot consent to introduce slavery into any part of this continent which is now exempt from what seems to me so great an evil. These are my reasons for declining to compromise the question relating to slavery as a condition of the admission of California.

In acting upon an occasion so grave as this, a respectful consideration is due to the arguments, founded on extraneous considerations, of Senators who commend a course different from that which I have preferred. The first of these arguments is, that Congress has no power to legislate on the subject of slavery within the Territories.

Sir, Congress *may* admit new States; and since Congress may admit, it follows that Congress may *reject* new States. The discretion of Congress in admitting is absolute, except that, when admitted, the State must be a republican State, and must be a STATE: that is, it shall have the constitutional form and powers of a State. But the greater includes the less, and therefore Congress may impose *conditions* of admission not inconsistent with those fundamental powers and forms. Boundaries are such. The reservation of the public domain is such. The right to divide is such. The Ordinance excluding slavery is such a condition. The organization of a Territory is ancillary or preliminary; it is the inchoate, the *initiative* act of admission, and is performed under the clause granting the powers necessary to execute the express powers of the Constitution.

This power comes from the treaty-making power also, and I think it well traced to the power to make needful rules and regulations concerning the public domain. But this question is not a material one now; the power is here to be exercised. The question now is, How is it to be exercised? not whether we shall exercise it at all, however derived. And the right to regulate property, to administer justice in regard to *property, is assumed* in every Territorial charter. If we have the power to legislate concerning property, we have the power to legislate concerning personal rights. Freedom is a *personal* right; and Congress, being the supreme legislature, has the same right in regard to property and personal rights in Territories that the States would have if organized.

The next of this class of arguments is, that the inhibition of slavery in the new Territories is *unnecessary;* and when I come to this question, I encounter the loss of many who lead in favor of admitting California. I had hoped, some time ago, that upon the vastly-important question of inhibiting slavery in the new Territories, we should have had the aid especially of the distinguished Senator from Missouri, [MR. BENTON;] and when he announced his opposition to that measure, I was induced to exclaim—

> "Cur in theatrum, Cato severe, venisti?
> An ideo, tantum, veneras ut exires?"

But, sir, I have no right to complain. The Senator is crowning a life of eminent public service by an heroic and magnanimous act in bringing California into the Union. Grateful to him for this, I leave it to himself to determine how far considerations of human freedom shall govern the course which he thinks proper to pursue.

The argument is, that the *Proviso is unnecessary.* I answer, there, then, can be no error in insisting upon it. But why is it unnecessary? It is said, *first,* by reason of *climate.* I answer, if this be so, why do not the representatives of the slave States concede the Proviso? They deny that the climate prevents the introduction of slavery. Then I will leave nothing to a contingency. But, in truth, I think the weight of argument is against the proposition. Is there any climate where slavery has not existed? It has prevailed all over Europe, from sunny Italy to bleak England, and is existing now, stronger than in any other land, in ice-bound Russia. But it will be replied, that this is not African slavery. I rejoin, that only makes the case stronger. If this vigorous Saxon race of ours was reduced to slavery while it retained the courage of semi-barbarism in its own high northern latitude, what security does climate afford against the transplantation of the more gentle, more docile, and already enslaved and debased African to the genial climate of New Mexico and Eastern California?

Sir, there is no climate uncongenial to slavery. It is true it is less productive than free labor in many northern countries. But so it is less productive than free white labor in even tropical climates. Labor is in quick demand in all new countries. Slave labor is cheaper than free labor, and it would go first into new regions; and wherever it goes it

brings labor into dishonor, and therefore free white labor avoids competition with it. Sir, I might rely on climate if I had not been born in a land where slavery existed—and this land was all of it north of the fortieth parallel of latitude; and if I did not know the struggle it has cost, and which is yet going on, to get complete relief from the institution and its baleful consequences. I desire to propound this question to those who are now in favor of dispensing with the Wilmot Proviso: Was the Ordinance of 1787 necessary or not? Necessary, we all agree. It has received too many elaborate eulogiums to be now decried as an idle and superfluous thing. And yet that Ordinance extended the inhibition of slavery from the thirty-seventh to the fortieth parallel of north latitude. And now we are told that the inhibition named is unnecessary anywhere north of 36 deg. 30 min.! We are told that we may rely upon the laws of God, which prohibit slave labor north of that line, and that it is absurd to re-enact the laws of God. Sir, there is no human enactment which is just that is not a re-enactment of the law of God. The Constitution of the United States and the Constitutions of all the States are full of such re-enactments. Wherever I find a law of God or a law of nature disregarded, or in danger of being disregarded, there I shall vote to reaffirm it, with all the sanction of the civil authority. But I find no authority for the position that climate prevents slavery anywhere. It is the indolence of mankind in any climate, and not any natural necessity, that introduces slavery in any climate.

I shall dwell only very briefly on the argument derived from the Mexican laws. The proposition, that those laws must remain in force until altered by laws of our own, is satisfactory; and so is the proposition that those Mexican laws abolished and continue to prohibit slavery. And still I deem an enactment by ourselves wise, and even necessary. Both of the propositions I have stated are denied with just as much confidence by Southern statesmen and jurists as they are affirmed by those of the free States. The population of the new Territories is rapidly becoming an American one, to whom the Mexican code will seem a foreign one, entitled to little deference or obedience.

Slavery has never obtained anywhere by express legislative authority, but always by trampling down laws higher than any mere municipal laws—the laws of nature and of nations. There can be no oppression in superadding the sanction of Congress to the authority which is so weak and so vehemently questioned. And there is some possibility, if not probability, that the institution might obtain a foothold surreptitiously, if it should not be absolutely forbidden by our own authority.

What is insisted upon, therefore, is not a mere abstraction or a mere sentiment, as is contended by those who waive the Proviso. And what is conclusive on the subject is, that it is conceded on all hands that the effect of insisting on it is to prevent the intrusion of slavery into the region to which it is proposed to apply it.

It is insisted that the diffusion of slavery will not increase its evils. The argument seems to me merely specious, and quite unsound. I desire to propose one or two questions in reply to it. Is slavery stronger or weaker in these United States, from its diffusion into Missouri? Is slavery weaker or stronger in these United States, from the exclusion of it from the Northwest Territory? The answers to these questions will settle the whole controversy.

And this brings me to the great and all-absorbing argument that the Union is in danger of being dissolved, and that it can only be saved by compromise. I do not know what I would not do to save the Union; and therefore I shall bestow upon this subject a very deliberate consideration.

I do not overlook the fact that the entire delegation from the slave States, although they differ in regard to the details of compromise proposed, and perhaps in regard to the exact circumstances of the crisis, seem to concur in this momentous warning. Nor do I doubt at all the patriotic devotion to the Union which is expressed by those from whom this warning proceeds. And yet, sir, although such warnings have been uttered with impassioned solemnity in my hearing every day for nearly three months, my confidence in the Union remains unshaken. I think they are to be received with no inconsiderable distrust, because they are uttered under the influence of a controlling interest to be secured, a paramount object to be gained; and that is an equilibrium of power in the Republic. I think they are to be received with even more distrust, because, with the most profound respect, they are uttered under an obviously high excitement. Nor is that excitement an unnatural one. It is a law of our nature that the passions disturb the reason and judgment just in proportion to the importance of the occasion, and the consequent necessity for calmness and candor. I think they are to be distrusted, because there is a diversity of opinion in regard to the nature and operation of this excitement. The Senators from some States say that it has brought all parties in their own region into unanimity. The honorable Senator from Kentucky [Mr. CLAY] says that the danger lies in the violence of party-spirit, and refers us for proof to the difficulties which attended the organization of the House of Representatives.

Sir, in my humble judgment, it is not the fierce conflict of parties that we are seeing and hearing; but, on the contrary, it is the agony of distracted parties—a convulsion resulting from the too narrow foundations of both the great parties, and of all parties—foundations laid in compromises of natural justice and of human liberty. A question, a moral question, transcending the too narrow creeds of parties, has arisen; the public conscience expands with it, and the green withes of party associations give way and break, and fall off from it. No, sir; it is not the State that is dying of the fever of party spirit. It is merely a paralysis of parties, premonitory however of their restoration, with new elements of health and vigor to be imbibed from that spirit of the age which is so justly called Progress.

Nor is the evil that of unlicensed, irregular, and turbulent faction. We are told that twenty Legislatures are in session, burning like furnaces, heating and inflaming the popular passions. But these twenty Legislatures are constitutional furnaces. They are performing their customary functions, imparting healthful heat and vitality while within their constitutional jurisdiction. If they rage beyond its limits, the popular passions of this country are not at all, I think, in danger of being inflamed to excess. No, sir; let none of these fires be extinguished. For ever let them burn and blaze. They are neither ominous meteors nor baleful comets, but planets; and bright and intense as their heat may be, it is their native temperature, and they must still obey the law which, by attraction toward this solar centre, holds them in their spheres.

I see nothing of that conflict between the Southern and Northern States, or between their repre-

sentative bodies, which seems to be on all sides of me assumed. Not a word of menace, not a word of anger, not an intemperate word, has been uttered in the Northern Legislatures. They firmly but calmly assert their convictions; but at the same time they assert their unqualified consent to submit to the common arbiter, and for weal or wo abide the fortunes of the Union.

What if there be less of moderation in the Legislatures of the South? It only indicates on which side the balance is inclining, and that the decision of the momentous question is near at hand. I agree with those who say that there can be no peaceful dissolution—no dissolution of the Union by the secession of States; but that disunion, dissolution, happen when it may, will and must be revolution. I discover no omens of revolution. The predictions of the political astrologers do not agree as to the time or manner in which it is to occur. According to the authority of the honorable Senator from Alabama [Mr. CLEMENS], the event has already happened, and the Union is now in ruins. According to the honorable and distinguished Senator from South Carolina [Mr. CALHOUN], it is not to be immediate, but to be developed by time.

What are the omens to which our attention is directed? I see nothing but a broad difference of opinion here, and the excitement consequent upon it.

I have observed that revolutions which begin in the palace seldom go beyond the palace walls, and they affect only the dynasty which reigns there. This revolution, if I understand it, began in this Senate chamber a year ago, when the representatives from the Southern States assembled here and addressed their constituents on what were called the aggressions of the Northern States. No revolution was designed at that time, and all that has happened since is the return to Congress of legislative resolutions, which seem to me to be only conventional responses to the address which emanated from the Capitol.

Sir, in any condition of society there can be no revolution without a cause, an adequate cause. What cause exists here? We are admitting a new State; but there is nothing new in that: we have already admitted seventeen before. But it is said that the slave States are in danger of losing political power by the admission of the new State. Well, sir, is there anything new in that? The slave States have always been losing political power, and they always will be while they have any to lose. At first, twelve of the thirteen States were slave States; now only fifteen out of the thirty are slave States. Moreover, the change is constitutionally made, and the Government was constructed so as to permit changes of the balance of power, in obedience to changes of the forces of the body politic. Danton used to say, "It's all well while the people cry Danton and Robespierre; but wo for me if ever the people learn to say, Robespierre and Danton!" That is all of it, sir. The people have been accustomed to say, "the South and the North;" they are only beginning now to say, "the North and the South."

Sir, those who would alarm us with the terrors of revolution have not well considered the structure of this Government, and the organization of its forces It is a Democracy of property and persons, with a fair approximation toward universal education, and operating by means of universal suffrage. The constituent members of this Democracy are the only persons who could subvert it; and they are not the citizens of a metropolis like Paris, or of a region subjected to the influences of a metropolis like France; but they are husbandmen, dispersed over this broad land, on the mountain and on the plain, and on the prairie, from the Ocean to the Rocky Mountains, and from the great Lakes to the Gulf; and this people are now, while we are discussing their imaginary danger, at peace and in their happy homes, as unconcerned and uninformed of their peril as they are of events occurring in the moon. Nor have the alarmists made due allowance in their calculations for the influence of conservative reaction, strong in any Government, and irresistible in a rural Republic, operating by universal suffrage. That principle of reaction is due to the force of the habits of acquiescence and loyalty among the people. No man better understood this principle than MACHIAVELLI, who has told us, in regard to factions, that "no safe reliance can be placed in the force of nature and the bravery of words, except it be corroborate by custom." Do the alarmists remember that this Government has stood sixty years already without exacting one drop of blood?—that this Government has stood sixty years, and treason is an obsolete crime? That day, I trust, is far off when the fountains of popular contentment shall be broken up; but, whenever it shall come, it will bring forth a higher illustration than has ever yet been given of the excellence of the Democratic system; for then it will be seen how calmly, how firmly, how nobly, a great people can act in preserving their Constitution; whom "love of country moveth, example teacheth, company comforteth, emulation quickeneth, and glory exalteth."

When the founders of the new Republic of the South come to draw over the face of this empire, along or between its parallels of latitude or longitude, their ominous lines of dismemberment, soon to be broadly and deeply shaded with fraternal blood, they may come to the discovery that, if not before, that the natural and even the political connections of the region embraced such a partition that its possible divisions are not Northern and Southern at all, but Eastern and Western, Atlantic and Pacific; and that Nature and Commerce have allied indissolubly for weal and wo the seceders and those from whom they are to be separated; that while they would rush into a civil war to restore an imaginary equilibrium between the Northern States and the Southern States, a new equilibrium has taken its place, in which all those States are on the one side, and the boundless West is on the other.

Sir, when the founders of the Republic of the South come to draw those fearful lines, they will indicate what portions of the continent are to be broken off from their connection with the Atlantic, through the St. Lawrence, the Hudson, the Delaware, the Potomac, and the Mississippi; what portion of this people are to be denied the use of the lakes, the railroads, and the canals, now constituting common and customary avenues of travel, trade, and social intercourse; what families and kindred are to be separated, and converted into enemies; and what States are to be the scenes of perpetual border warfare, aggravated by interminable horrors of servile insurrection. When those portentous lines shall be drawn, they will disclose what portion of this people is to retain the army and the navy, and the flag of so many victories; and on the other hand, what portion of the people is to be subjected to new and onerous imposts, direct taxes, and forced loans, and conscriptions, to maintain an opposing army, an op

losing navy, and the new and hateful banner of edition. Then the projectors of the new Republic f the South will meet the question—and they may ell prepare now to answer it—What is all this for? What intolerable wrong, what unfraternal injustice, have rendered these calamities unavoidable? What gain will this unnatural revolution bring to us? The answer will be: All this is done to secure the institution of African slavery.

And then, if not before, the question will be discussed, What is this institution of slavery, that it should cause these unparalleled sacrifices and these disastrous afflictions? And this will be the answer: When the Spaniards, few in number, discovered the Western Indies and adjacent continental America, they needed labor to draw forth from its virgin stores some speedy return to the cupidity of the court and the bankers of Madrid. They enslaved the indolent, inoffensive, and confiding natives, who perished by thousands, and even by millions, under that new and unnatural bondage. A humane ecclesiastic advised the substitution of Africans reduced to captivity in their native wars, and a pious princess adopted the suggestion, with a dispensation from the Head of the Church, granted on the ground of the prescriptive right of the Christian to enslave the heathen, to effect his conversion. The colonists of North America, innocent in their unconsciousness of wrong, encouraged the slave traffic, and thus the labor of subduing their territory devolved chiefly upon the African race. A happy conjuncture brought on an awakening of the conscience of mankind to the injustice of slavery, simultaneously with the independence of the Colonies. Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania, welcomed and embraced the spirit of universal emancipation. Renouncing luxury, they secured influence and empire. But the States of the South, misled by a new and profitable culture, elected to maintain and perpetuate slavery; and thus, choosing luxury, they lost power and empire.

When this answer shall be given, it will appear that the question of dissolving the Union is a complex question; that it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation, or whether the Union shall be dissolved, and civil wars ensue, bringing on violent, but complete and immediate, emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical, however foreign to the subject of slavery, brings up slavery as an incident, and the incident supplants the principal question. We hear of nothing but slavery, and we can talk of nothing but slavery. And now, it seems to me that all our difficulties, embarrassments, and dangers, arise, not out of unlawful perversions of the question of slavery, as some suppose, but from the want of moral courage to meet that question of emancipation as we ought. Consequently, we hear on one side demands—absurd, indeed, but yet unceasing—for an immediate and unconditional abolition of slavery; as if any power, except the people of the slave States, could abolish it, and as if they could be moved to abolish it by merely sounding the trumpet violently and proclaiming emancipation, while the institution is interwoven with all their social and political interests, constitutions, and customs.

On the other hand, our statesmen say that "slavery has always existed, and, for aught they know or can do, it always must exist. God permitted it, and he alone can indicate the way to remove it." As if the Supreme Creator, after giving us the instructions of his providence and revelation for the illumination of our minds and consciences, did not leave us in all human transactions, with due invocations of his Holy Spirit, to seek out his will and execute it for ourselves.

Here, then, is the point of my separation from both of these parties. I feel assured that slavery must give way, and will give way, to the salutary instructions of economy, and to the ripening influences of humanity; that emancipation is inevitable, and is near; that it may be hastened or hindered; and that whether it be peaceful or violent depends upon the question whether it be hastened or hindered; that all measures which fortify slavery, or extend it, tend to the consummation of violence; all that check its extension, and abate its strength, tend to its peaceful extirpation. But I will adopt none but lawful, constitutional, and peaceful means, to secure even that end; and none such can I or will I forego. Nor do I know any important or responsible body that proposes to do more than this. No free State claims to extend its legislation into a slave State. None claims that Congress shall usurp power to abolish slavery in the slave States. None claims that any violent, unconstitutional, or unlawful measure shall be embraced. And, on the other hand, if we offer no scheme or plan for the adoption of the slave States, with the assent and co-operation of Congress, it is only because the slave States are unwilling as yet to receive such suggestions, or even to entertain the question of emancipation in any form.

But, sir, I will take this occasion to say, that, while I cannot agree with the honorable Senator from Massachusetts in proposing to devote eighty millions of dollars to remove the free colored population from the slave States, and thus, as it appears to me, fortify slavery, there is no reasonable limit to which I am not willing to go in applying the national treasures to effect the peaceful, voluntary removal of slavery itself.

I have thus endeavored to show that there is not now, and there is not likely to occur, any adequate cause for revolution in regard to slavery. But you reply that, nevertheless, you must have guaranties; and the first one is for the surrender of fugitives from labor. That guaranty you cannot have, as I have already shown, because you cannot roll back the tide of social progress. You must be content with what you have. If you wage war against us, you can, at most, only conquer us, and then all you can get, will be a treaty, and that you have already.

But you insist on a guaranty against the abolition of slavery in the District of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that slavery shall cease within the national capital?

You say that you will not submit to the exclusion of slaves from the new Territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery, then, by the sword?

You insist that you cannot submit to the freedom with which slavery is discussed in the free States. Will war—a war for slavery—arrest or even moderate that discussion? No, sir; that discussion will

not cease; war would only inflame it to a greater height. It is a part of the eternal conflict between truth and error—between mind and physical force—the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny. It will go on until you shall terminate it in the only way in which any State or nation has ever terminated it—by yielding to it—yielding in your own time and in your own manner, indeed, but nevertheless yielding to the progress of emancipation. You will do this, sooner or later, whatever may be your opinion now; because nations which were prudent and humane, and wise as you are, have done so already.

Sir, the slave States have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It cannot well go too fast or too far, if the only alternative is a war of races.

But it cannot go too fast. Slavery has a reliable and accommodating ally in a party in the free States, which, though it claims to be, and doubtless is in many respects, a party of progress, finds its sole security for its political power in the support and aid of slavery in the slave States. Of course, I do not include in that party those who now co-operating in maintaining the cause of Freedom against Slavery. I am not of that party of progress which in the North thus lends its support to slavery. But it is only just and candid that I should bear witness to its fidelity to the interests of slavery.

Slavery has, moreover, a more natural alliance with the aristocracy of the North and with the aristocracy of Europe. So long as Slavery shall possess the cotton-fields, the sugar-fields, and the rice-fields of the world, so long will Commerce and Capital yield it toleration and sympathy. Emancipation is a democratic revolution. It is Capital that arrests all democratic revolutions. It was Capital that in a single year rolled back the tide of revolution from the base of the Carpathian mountains, across the Danube and the Rhine, into the streets of Paris. It is Capital that is rapidly rolling back the throne of Napoleon into the chambers of the Tuileries.

Slavery has a guaranty still stronger than these in the prejudices of caste and color, which induce even large majorities in all the free States to regard sympathy with the slave as an act of unmanly humiliation and self-abasement, although Philosophy meekly expresses her distrust of the asserted natural superiority of the white race, and confidently denies that such a superiority, if justly claimed, could give a title to oppression.

There remains one more guaranty—one that has seldom failed you, and will seldom fail you hereafter. New States cling in closer alliance than older ones to the Federal power. The concentration of the slave power enables you for long periods to control the Federal Government with the aid of the new States. I do not know the sentiments of the representatives of California; but, my word for it, if they should be admitted on this floor to-day, against your most obstinate opposition, they would, on all questions really affecting your interests, be found at your side.

With these alliances to break the force of emancipation, there will be no disunion and no secession. I do not say that there may not be disturbance, though I do not apprehend even that. Absolute regularity and order in administration have not yet been established in any Government, and unbroken popular tranquillity has not yet been attained in even the most advanced condition of human society. The machinery of our system is necessarily complex. A pivot may fall out here, a lever may be displaced there, a wheel may fall out of gearing elsewhere, but the machinery will soon recover its regularity, and move on just as before, with even better adjustation and adjustment to overcome new obstructions.

There are many well-disposed persons who are alarmed at the occurrence of any such disturbance. The failure of a legislative body to organize is their apprehension a fearful omen, and an extra-constitutional assemblage to consult upon public affairs is with them cause for desperation. Even Senators speak of the Union as if it existed only by consent, and, as it seems to be implied, by the assent of the Legislatures of the States. On the contrary, the Union was not founded in voluntary choice, nor does it exist by voluntary consent.

A Union was proposed to the colonies by Franklin and others, in 1754; but such was their aversion to an abridgment of their own importance, respectively, that it was rejected even under the pressure of a disastrous invasion by France.

A Union of choice was proposed to the colonies in 1775; but so strong was their opposition that they went through and through the war of Independence without having established more than a mere council of consultation.

But with Independence came enlarged interests of agriculture—absolutely new interests of manufactures—interests of commerce, of fisheries, of navigation, of a common domain, of common debts, of common revenues and taxation, of the administration of justice, of public defence, of public honor; in short, interests of common nationality and sovereignty—interests which at last compelled the adoption of a more perfect Union—a National Government.

The genius, talents, and learning of Hamilton, of Jay, and of Madison, surpassing perhaps the intellectual power ever exerted before for the establishment of a Government, combined with the serene but mighty influence of Washington, were only sufficient to secure the reluctant adoption of the Constitution that is now the object of all our affections and of the hopes of mankind. No wonder that the conflicts in which that Constitution was born, and the almost despanding solemnity of Washington, in his Farewell Address, impressed his countrymen and mankind with a profound distrust of its perpetuity! No wonder that while the murmurs of that day are yet ringing in our ears, we cherish that distrust, with pious reverence, as a national and patriotic sentiment!

But it is time to prevent the abuses of that sentiment. It is time to shake off that fear, for fear is always weakness. It is time to remember that Government, even when it arises by chance or accident, and is administered capriciously and oppressively, is ever the strongest of all human institutions, surviving many social and ecclesiastical changes and convulsions; and that this Constitution of ours has all the inherent strength common to Governments in general, and added to them has also the solidity and firmness derived from broader and deeper foundations in national justice, and a better civil adaptation to promote the welfare and happiness of mankind.

The Union, the creature of necessities, physical, moral, social, and political, endures by virtue of the same necessities; and these necessities are stronger than when it was produced—stronger by the greater amplitude of territory now covered by it—stronger by the sixfold increase of the society living under

its beneficent protection—stronger by the augmentation ten thousand times of the fields, the workshops, the mines, and the ships, of that society; of its productions of the sea, of the plough, of the loom, and of the anvil, in their constant circle of internal and international exchange—stronger in the long rivers penetrating regions before unknown—stronger in all the artificial roads, canals, and other channels and avenues essential not only to trade but to defence—stronger in steam navigation, in steam locomotion on the land, and in telegraph communications, unknown when the Constitution was adopted—stronger in the freedom and in the growing empire of the seas—stronger in the element of national honor in all lands, and stronger than all in the now settled habits of veneration and affection for institutions so stupendous and so useful.

The Union, then, is, not because merely that men choose that it shall be, but because some Government must exist here, and no other Government than this can. If it could be dashed to atoms by the whirlwind, the lightning, or the earthquake, to-day, it would rise again in all its just and magnificent proportions to-morrow.

This nation is a globe, still accumulating upon accumulation, not a dissolving sphere.

I have heard somewhat here, and almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to States severally and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognise the claims of the State to which, by birth and gratitude, I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton—the State which, with less than two hundred miles of natural navigation connected with the ocean, has, by her own enterprise, secured to herself the commerce of the continent, and is steadily advancing to the command of the commerce of the world. But for all this I know only one country and one sovereign—the United States of America and the American People. And such as my allegiance is, is the loyalty of every other citizen of the United States. As I speak, he will speak when his time arrives. He knows no other country and no other sovereign. He has life, liberty, property, and precious affections, and hopes for himself and for his posterity, treasured up in the ark of the Union. He knows as well and feels as strongly as I do that this Government is his own Government; that he is a part of it; that it was established for him, and that it is maintained by him; that it is the only truly wise, just, free, and equal government that has ever existed; that no other government could be so wise, just, free, and equal; and that it is safer and more beneficent than any which time or change could bring into its place.

You may tell me, sir, that although all this may be true, yet the trial of faction has not yet been made. Sir, if the trial of faction has not been made, it has not been because faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now; and in this is my confidence. I would not rashly provoke the trial; but I will not suffer a fear, which I have not, to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let, then, those who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism; but indulging no such apprehensions myself, I shall vote for the admission of California directly, without conditions, without qualifications, and without compromise.

For the vindication of that vote I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating shall have received their destined inhabitants.

While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us; and a voice comes forth from their serried ranks, saying: "Waste your treasures and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonored name, if you must; but the soil you hold in trust for us—give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free; let the reversion of your broad domain descend to us unincumbered, and free from the calamities and the sorrows of human bondage."

NEBRASKA AND KANSAS.

THE proposed Territory of NEBRASKA comprises in all that part of the Territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri river, where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the summit of the highlands separating the waters flowing into Green river or Colorado of the west from the waters flowing into the great basin; thence northward on the said highlands to the summit of the Rocky mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence west on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri river; thence down the main channel of said river to the place of beginning.

The proposed Territory of KANSAS consists of all that part of the Territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the summit of the highlands dividing the waters flowing into the Colorado of the West or Green river, from the waters flowing into the great basin; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State, to the place of beginning.

The following proviso applies to both NEBRASKA and KANSAS: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such Territory shall be excepted out of the boundaries, and constitute no part of the Territory until said tribe shall signify their assent to the President of the United States to be included within the said Territory, or to affect the authority of the government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

MR. DOUGLAS'S REPORT

IN THE SENATE OF THE UNITED STATES, JAN. 4, 1854.

The Committee on Territories, to which was referred a bill for an act to establish the Territory of Nebraska, have given the same that serious and deliberate consideration which its great importance demands, and beg leave to report it back to the Senate with various amendments, in the form of a substitute for the bill:

THE principal amendments which your committee deem it their duty to commend to the favorable action of the Senate, in a special report, are those in which the principles established by the compromise measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed and carried into practical operation within the limits of the new Territory.

Tho wisdom of those measures is attested, not less by their salutary and beneficial effects, in allaying sectional agitation and restoring peace and harmony to an irritated and distracted people, than by the cordial and almost universal, approbation with which they have been received and sanctioned by the whole country. In the judgment of your committee, those measures were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from tho halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in it, and alone responsible for its consequences. With tho view of conforming their action to what they regard the settled policy of tho government, sanctioned by the approving voice of the American people, your committee have deemed it their duty to incorporate and perpetuate, in their territorial bill, the principles and spirit of those measures. If any other consideration were necessary, to render the propriety of this course imperative upon the committee, they may be found in the fact, that the Nebraska country occupies the same relative position to the slavery question, as did New Mexico and Utah, when those territories were organized.

It was a disputed point, whether slavery was prohibited by law in tho country acquired from Mexico. On the one hand it was contended, as a legal proposition, that slavery having been prohibited by tho enactments of Mexico, according to the laws of nations, we received tho country with all its local laws and domestic institutions attached to the soil, so far as they did not conflict with the Constitution of tho United States; and that a law, either protecting or prohibiting slavery, was not repugnant to that instrument, as was evidenced by the fact, that one-half of the States of the Union tolorated, while the other half prohibited, the institution of Slavery. On the other hand it was insisted that, by virtue of tho Constitution of the United States, every citizen had a right to remove to any Territory of the Union, and carry his property with him under the protection of law, whether that property consisted in persons or things. The difficulties arising from this diversity of opinion were greatly aggravated by the fact, that there were many persons on both sides of the legal controversy who were unwilling to abide the decision of the courts on the legal matters in dispute; thus, among those who claimed that the Mexican laws were still in force, and consequently that slavery was already prohibited in those territories by valid enactment, there were many who insisted upon Congress making the matter certain, by enacting another prohibition. In like manner, some of those who argued that the Mexican laws had ceased to have any binding force, and that tho Constitution tolerated and protected slave property in those territories, were unwilling to trust the decision of the courts upon that point, and insisted that Congress should, by direct enactment, remove all legal obstacles to the introduction of slaves into those territories.

Such being the character of the controversy, in respect to the territory acquired from Mexico, a similar question has arisen in regard to the right to hold slaves in the proposed territory of Nebraska when the Indian laws shall be withdrawn, and the country thrown open to emigration and settlement. By the 8th section of "an act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories," approved March 6, 1820, it was provided: "That, in all that territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within tho limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in tho punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and con-

veyed to the person claiming his or her labor or service, as aforesaid."

Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by *valid* enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various territories of the Union. In the opinion of those eminent statesmen, who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the territories, the 8th section of the act preparatory to the admission of Missouri is null and void; while the prevailing sentiment in large portions of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienablo right to move into any of the territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the 8th section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

Your committeo deem it fortunato for the peace of the country, and the security of the Union, that the controversy then resulted in the adoption of the compromise measures, which tho two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world, as a final settlement of the controversy and an end of the agitation. A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty, enjoins upon your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments of that adjustment in all their territorial bills, so far as the same are not locally inapplicable. Those enactments embrace, among other things, less material to the matters under consideration, the following provisions:

"When admitted as a State, the said Territory or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission."

"That the legislative power and authority of said Territory shall be vested in the governor and a legislative assembly."

"That the legislative power of said Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents."

"Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars, except only that, in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decisions of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which tho same are granted by the Judges of the United States in the District of Columbia."

To which may be added the following proposition affirmed by the act of 1850, known as the fugitive slave law:

That tho provisions of the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February 12, 1793, and the provisions of the "act to amend and supplementary to the aforesaid act, approved September 18, 1850, shall extend to, and be in force, in all the organized territories," as well as in the various States of the Union.

From these provisions it is apparent that the compromise measures of 1850 affirm and rest upon the following propositions—First: That all questions pertaining to slavery in the territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives, to be chosen by them for that purpose.

Second: That "all cases involving title to slaves," and "questions of personal freedom" are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

Third: That the provisions of the Constitution of the United States, in respect to fugitives from service, are to be carried into faithful execution in all "the organized territories" the same as in the States. The substitute for the bill which your committee have prepared, and which is commended to the favorable action of the Senate, proposes to carry these propositions and principles into practical operation, in the precise language of the compromise measures of 1850.

SPEECH OF THE HON. S. A. DOUGLAS, OF ILLINOIS.

IN THE SENATE, JAN. 30, 1854.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to organize the Territory of Nebraska.

Mr. DOUGLAS. Mr. President, when I proposed, on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the territories of Nebraska and Kansas, it was my purpose only to occupy ten or fifteen minutes in explanation of its provisions. I desired to refer to two points; first to those provisions relating to the Indians, and second to those which might be supposed to bear upon the question of slavery.

The Committee, in drafting the bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and to prevent infringement upon them. By the provisions of the bill, I think we have so clearly succeeded, in that respect, as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights or lands of the Indians, nor shall they be included within the limits of those territories until they shall by treaty with the United States expressly consent to come under the operations of the act, and be incorporated within the limits of the territories. This provision certainly is broad enough and clear enough, explicit enough, to protect all the rights of the Indians as to their persons and their property.

Upon the other point, that pertaining to the question of slavery in the territories, it was the intention of the committee to be equally explicit. We took the principles established by the compromise acts of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established and rest upon the great principles of self-government, that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States, instead of having them determined by an arbitrary or geographical line.

The original bill reported by the committee as a substitute for the bill introduced by the Senator from Iowa, [Mr. DODGE,] was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific, which seemed, in the minds of some, to admit of doubt and misconstruction. In some parts of the country the original substitute was deemed and construed to be an amendment or a repeal of what has been known as the Missouri compromise, while, in other parts, it was otherwise construed. As the object of the committee was to conform to the principles established by the compromise measures of 1850, and to carry these principles into effect in the territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures, viz.: that the Missouri compromise, having been superseded by the legislation of 1850, has become and ought to be declared inoperative; and hence we propose to leave the question to the people of the States and territories, subject only to the limitations and provisions of the Constitution.

Sir, this is all that I intended to say, if the question had been taken up for consideration on Tuesday last; but since that time occurrences have transpired which compel me to go more fully into the discussion. It will be borne in mind that the senator from Ohio, [Mr. CHASE,] then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the senator from Massachusetts [Mr. SUMNER,] suggested that the postponement should be for one week for that purpose. These suggestions seeming to be reasonable, in the opinions of senators around me, I yielded to their request, and consented to the postponement of the bill until this day.

Sir, little did I suppose, at the time that I granted that act of courtesy to those two senators, that they had drafted and published to the world a document, over their own signatures, in which they arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two Senators had been guilty of such conduct, when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported, the committee. I have since discovered that on that very morning the *National Era*, the abolition organ in this city, contained an address, signed by certain abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the committee is grossly perverted, in which our motives are arraigned and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the re-

quest of those senators in such terms as their conduct deserved, so far as the rules of the Senate and a respect for my own character would have permitted me to do. In order to show the character of this document, of which I shall have much to say in the course of my argument, I will read certain passages:

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

A SENATOR: By whom is the address signed?

Mr. DOUGLAS. It is signed "S. P. Chase, senator from Ohio; Charles Sumner, senator from Massachusetts; J. R. Giddings and Edward Wade, representatives from Ohio; Gerrit Smith, representative from New York; Alexander De Witt, representative from Massachusetts;" including, as I understand, all the abolition party in Congress.

Then speaking of the Committee on Territories, these confederates use this language:

"The *pretences*, therefore, that the territory, covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromise of 1850 requires the incorporation of the pro-slavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere *inventions, designed to cover up from public reprehension meditated bad faith.*"

"Mere inventions to cover up bad faith." Again:

"Servile demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery."

Then there is a postscript added, equally offensive to myself, in which I am mentioned by name. The address goes on to make an appeal to the legislatures of the different States, to public meetings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile proceeding which is about to be consummated by the senators who are thus denounced. That address, sir, bears date Sunday, January 22, 1854. Thus it appears, that on the holy Sabbath, while other senators were engaged in divine worship, these abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, and prostrate the character of brother senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

But this is not all. It was understood from the newspapers that resolutions were pending before the legislature of Ohio proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question by which they might facilitate the passage of the resolutions through that legislature. Hence you find that on the same morning that this document appears over the names of these confederates in the abolition organ of this city, the same document appears in the New York papers —certainly in the *Tribune*, *Times*, and *Evening Post*—in which it is stated, by authority, that it is "signed by the senators and a majority of the representatives from the State of Ohio"—a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary, in order to carry out this work of deception, and to hasten the action of the Ohio legislature, under a misapprehension of the real facts, to state that it was signed, not only by the abolition confederates, but by the whole whig representation, and a portion of the democratic representation in the other House from the State of Ohio.

Mr. CHASE. Mr. President——

Mr. DOUGLAS. Mr. President, I do not yield the floor. A senator who has violated all the rules of courtesy and propriety, who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the fact—who came to me with a smiling face, and the appearance of friendship, ever after that document had been uttered—who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed; such a senator has no right to my courtesy upon this floor.

Mr. CHASE. Mr. President, the senator misstates the facts——

Mr. DOUGLAS. Mr. President, I decline to yield the floor.

Mr. CHASE. And I shall make my denial pertinent when the time comes.

The PRESIDENT. Order.

Mr. DOUGLAS. Sir, if the Senator does interpose, in violation of the rules of the Senate, a denial of the fact, it may be that I shall be able to nail that denial, as I shall the statements in this address which are over his own signature, as a wicked fabrication, and prove it by the solemn legislation of this country.

Mr. CHASE. I call the Senator to order.

The PRESIDENT. The Senator from Illinois is certainly out of order.

Mr. DOUGLAS. Then I will only say that I shall confine myself to this document, and prove its statements to be false by the legislation of the country. Certainly that is in order.

Mr. CHASE. You cannot do it.

Mr. DOUGLAS. The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the republic was to prohibit slavery in all the territory ceded by the old States to the Union, and made United States territory, for the purpose of being organized into new States. I take issue upon that statement. Such was not the practice in the early history of the government. It is true that in the territory northwest of the Ohio river slavery was prohibited by the ordinance of 1787; but it is also true that in the territory south of the Ohio river, slavery was permitted and protected; and it is also true that in the organization of the territory of Mississippi, in 1798, the provisions of the ordinance of 1787 were applied to it, with the exception of the sixth article, which prohibited slavery. Then, sir, you find upon the statute books under Washington and the early Presidents, provisions of law shewing that in the southwestern territories the right to hold slaves was clearly implied or recognized,

while in the northwest territories it was prohibited. The only conclusion that can be fairly and honestly drawn from that legislation is, that it was the policy of the fathers of the republic to prescribe a line of demarkation between free territories and slaveholding territories by a natural or a geographical line, being sure to make that line correspond, as near as might be, to the laws of climate, of production, and all those other causes that would control the institution and make it either desirable or undesirable to the people inhabiting the respective territories.

Sir, I wish you to bear in mind, too, that this geographical line, established by the founders of the republic between free territories and slave territories, extended as far westward as our territory then reached; the object being to avoid all agitation on the slavery question by settling that question forever, as far as our territory extended, which was then to the Mississippi river.

When, in 1803, we acquired from France the territory known as Louisiana, it became necessary to legislate for the protection of the inhabitants residing therein. It will be seen, by looking into the bill establishing the territorial government in 1805 for the territory of New Orleans, embracing the same country now known as the State of Louisiana, that the ordinance of 1787 was expressly extended to that territory, excepting the sixth section, which prohibited slavery. That act implied that the territory of New Orleans was to be a slaveholding territory by making that exception in the law. But, sir, when they came to form what was then called the territory of Louisiana, subsequently known as the territory of Missouri, north of the thirty-third parallel, they used different language. They did not extend to it any of the provisions of the ordinance of 1787. They first provided that it should be governed by laws made by the governor and the judges, and, when in 1812 Congress gave to that territory, under the name of the territory of Missouri, a territorial government, the people were allowed to do as they pleased upon the subject of slavery, subject only to the limitations of the Constitution of the United States. Now what is the inference from that legislation? That slavery was, by implication, recognized south of the thirty-third parallel; and north of that the people were left to exercise their own judgment and do as they pleased upon the subject, without any implication for or against the existence of the institution.

This continued to be the condition of the country in the Missouri Territory up to 1820, when the celebrated act which is now called the Missouri compromise was passed. Slavery did not exist in, nor was it excluded from the country now known as Nebraska. There was no code of laws upon the subject of slavery either way: First, for the reason that slavery had never been introduced into Louisiana, and established by positive enactment. It had grown up there by a sort of common law, and been supported and protected. When a common law grows up, when an institution becomes established under a usage, it carries it so far as that usage actually goes, and no further. If it had been established by direct enactment, it might have carried it so far as the political jurisdiction extended; but, be that as it may, by the act of 1812, creating the Territory of Missouri, that territory was allowed to legislate upon the subject of slavery as it saw proper, subject only to the limitations which I have stated; and the country not inhabited or thrown open to settlement was set apart as Indian country, and rendered subject to Indian laws. Hence, the local legislation of the State of Missouri did not reach into that Indian country, but was excluded from it by the Indian code and Indian laws. The municipal regulations of Missouri could not go there until the Indian title had been extinguished, and the country thrown open to settlement. Such being the case, the only legislation in existence in Nebraska Territory at the time that the Missouri act passed, namely, the 6th of March, 1820, was a provision, in effect, that the people should be allowed to do as they pleased upon the subject of slavery.

The Territory of Missouri having been left in that legal condition, positive opposition was made to the bill to organize a State government, with a view to its admission into the Union; and a Senator from my State, Mr. Jesse B. Thomas, introduced an amendment, known as the eighth section of the bill, in which it was provided that slavery should be prohibited north of 36° 30' north latitude, in all that country which we had acquired from France. What was the object of the enactment of that eighth section? Was it not to go back to the original policy of prescribing boundaries to the limitation of free institutions, and of slave institutions, by a geographical line, in order to avoid all controversy in Congress upon the subject? Hence they extended that geographical line through all the territory purchased from France, which was as far as our possessions then reached. It was not simply to settle the question on that piece of country, but it was to carry out a great principle, by extending that dividing line as far west as our territory went, and running it onward on each new acquisition of territory. True, the express enactment of the eighth section of the Missouri act, now called the Missouri compromise, only covered the territory acquired from France; but the principles of the act, the objects of its adoption, the reasons in its support, required that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made.

Thus stood the question up to 1845, when the joint resolution for the annexation of Texas passed. There was inserted in that joint resolution a provision, suggested in the first instance and brought before the House of Representatives by myself, extending the Missouri compromise line indefinitely westward through the territory of Texas. Why did I bring forward that proposition? Why did the Congress of the United States adopt it? Not because it was of the least practical importance, so far as the question of slavery within the limits of Texas was concerned; for no man ever dreamed that it had any practical effect there. Then why was it brought forward? It was for the purpose of preserving the principle, in order that it might be extended still further westward, even to the Pacific ocean, whenever we should acquire the country that far. I will here read that clause. It is the third article, second section, and is in those words:

"New States, of convenient size, not exceeding four in

number, in addition to said State, of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal Constitution. And such States as may be formed out of that portion of said territory lying north of 36 degrees 30 minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And, in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.

It will be seen that it contains a very remarkable provision, which is, that when States lying north of 36° 30′ apply for admission, slavery shall be prohibited in their constitutions. I presume no one pretends that Congress could have power thus to fetter a State applying for admission into this Union; but it was necessary to preserve the principle of the Missouri compromise line, in order that it might afterwards be extended, and it was supposed that while Congress had no power to impose any such limitation, yet, as that was a compact with the State of Texas, that State could consent for herself that, when any portion of her own territory, subject to her own jurisdiction and control, applied for admission, her constitution should be in a particular form; but that provision would not be binding on the new State one day after it was admitted into the Union. The other provision was that such States as should lie south of 36° 30′ should come into the Union with or without slavery as each should decide in its constitution. Then, by that act, the Missouri compromise was extended indefinitely westward, so far as the State of Texas went, that is, to the Rio del Norte; for our government at the time recognized the Rio del Norte as its boundary. We recognized, in many ways, and among them, by even paying Texas for it ten millions of dollars, in order that it might be included in and form a portion of the Territory of New Mexico.

Then, sir, in 1848 we acquired from Mexico the country between the Rio del Norte and the Pacific Ocean. Immediately after that acquisition, the Senate, on my own motion, voted into a bill a provision to extend the Missouri compromise indefinitely westward to the Pacific ocean, in the same sense and with the same understanding with which it was originally adopted. That provision passed this body by a decided majority, I think by ten at least, and went to the House of Representatives, and was defeated there by northern votes.

Now, sir, let us pause and consider for a moment. The first time that the principles of the Missouri compromise were ever abandoned, the first time they were ever rejected by Congress, was by the defeat of that provision in the House of Representatives in 1848. By whom was that defeat effected? By northern votes with freesoil proclivities. It was the defeat of that Missouri compromise that reopened the slavery agitation with all its fury. It was the defeat of that Missouri compromise that created the tremendous struggle of 1850. It was the defeat of that Missouri compromise that created the necessity for making a new compromise in 1850. Had we been faithful to the principles of the Missouri compromise in 1848, this question would not have arisen. Who was it that was faithless? I undertake to say it was the very men who now insist that the Missouri compromise was a solemn compact and should never be violated or departed from. Every man who is now assailing the principle of the bill under consideration, so far as I am advised, was opposed to the Missouri compromise in 1848. The very men who now arraign me for a departure from the Missouri compromise are the men who successfully violated it, repudiated it, and caused it to be superseded by the compromise measures of 1850. Sir, it is with rather bad grace that the men who proved faithless themselves should charge upon me and others, who were ever faithful, the responsibilities and consequences of their own treachery.

Then, sir, as I before remarked, the defeat of the Missouri compromise in 1848 having created the necessity for the establishment of a new one in 1850, let us see what that compromise was.

The leading feature of the compromise of 1850 was congressional non-intervention as to slavery in the Territories; that the people of the Territories, and of all the States, were to be allowed to do as they pleased upon the subject of slavery, subject only to the provisions of the Constitution of the United States.

That, sir, was the leading feature of the compromise measures of 1850. Those measures, therefore, abandoned the idea of a geographical line as the boundary between free States and slave States; abandoned it because compelled to do it from an inability to maintain it: and in lieu of that, substituted a great principle of self-government which would allow the people to do as they thought proper. Now the question is, when that new compromise, resting upon that great fundamental principle of freedom, was established, was it not an abandonment of the old one—the geographical line? Was it not a supersedure of the old one within the very language of the substitute for the bill which is now under consideration? I say it did supersede it, because it applied its provisions as well to the north as to the south of 36° 30′. It established a principle which was equally applicable to the country north as well as south of the parallel of 36° 30′—a principle of universal application. The authors of this abolition manifesto attempted to refute this presumption, and maintained that the compromise of 1850 did not supersede that of 1820, by quoting the proviso to the first section of the act to establish the Texan boundary and create the Territory of New Mexico. That proviso was added, by way of amendment, on motion of Mr. Mason, of Virginia.

I repeat, that in order to rebut the presumption, as I before stated, that the Missouri compromise was abandoned and superseded by the principles of the compromise of 1850, these confederates cite the following amendment, offered to the bill to establish the boundary of Texas and create the Territory of New Mexico in 1850.

"*Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the States of Texas or otherwise."

After quoting this proviso, they make the fol-

lowing statement, and attempt to gain credit for its truth by suppressing material facts which appear upon the face of the same statute, and which, if produced, would conclusively disprove the statement:

"It is solemnly declared in the very compromise acts, 'that *nothing herein contained shall be construed to impair or qualify* the prohibition of slavery north of thirty-six degrees thirty minutes;' and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go?"

I will now proceed to show that presumption could not go further than is exhibited in this declaration.

They suppress the following material facts, which, if produced, would have disproved their statement. They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36° 30'. They then suppress the further fact that the same section of the law cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and adds it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missouri compromise line applied, was incorporated into the territory of New Mexico. And then what was done? It was incorporated into that territory with this clause:

"That, when admitted as a State, the said territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of its adoption."

Yes, sir, the very bill and section from which they quote, cuts off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line; incorporates it into the territory of New Mexico; and then says that the territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper.

What else does it do? The sixth section of the same act provides that the legislative power and authority of this said Territory of New Mexico shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of the act, not excepting slavery. Thus the New Mexican bill, from which they make that quotation, contains the provision that New Mexico, including that part of Texas which was cut off, should come into the Union with or without slavery, as it saw proper; and in the mean time that the territorial legislature should have all the authority over the subject of slavery that they had over any other subject, restricted only by the limitation of the Constitution of the United States and the provisions of the act. Now, I ask those Senators, do not those provisions repeal the Missouri compromise, so far as it applied to the country cut off from Texas? Do they not annul it? Do they not supersede it? If they do, then the address which has been put forth to the world by these confederates is an atrocious falsehood. If they do not, then what do they mean when they charge me with having, in the substitute first reported from the committee, repealed it, with having annulled it, with having violated it, when I only copied those precise words? I copied the precise words into my bill, as reported from the committee, which were contained in the New Mexico bill. They say my bill annuls the Missouri compromise. If it does, it had already been done before by the act of 1850; for these words were copied from the act of 1850.

Mr. WADE. Why did you do it over again?

Mr. DOUGLAS. I will come to that point presently. I am now dealing with the truth and veracity of a combination of men who have assembled in secret caucus upon the Sabbath day to arraign my conduct and belie my motives. I say, therefore, that their manifesto is a slander either way; for it says that the Missouri compromise was not superseded by the measures of 1850, and then it says that the same words in my bill do repeal and annul it. They must be adjudged guilty of one falsehood in order to sustain the other assertion.

Now, sir, I propose to go a little further, and show what was the real meaning of the amendment of the senator from Virginia, out of which these gentlemen have manufactured so much capital in the newspaper press, and have succeeded by that misrepresentation, in procuring an expression of opinion from the State of Rhode Island in opposition to this bill. I will state what its meaning is.

Did it mean that the States north of 36° 30' should have a clause in their constitutions prohibiting slavery? I have shown that it did not mean that, because the same act says that they might come in with slavery, if they saw proper. I say it could not mean that for another reason: The same section containing that proviso cut off all that part of Texas north of 36° 30', and hence there was nothing for it to operate upon. It did not, therefore, relate to the country cut off. What did it relate to? Why, it meant simply this: By the joint resolution of 1845, Texas was annexed, with the right to form four additional States out of her territory; and such States as were south of 36° 30' were to come in with or without slavery, as they saw proper; and in such State or States as were north of that line slavery should be prohibited. When we had cut off all north of 36° 30', and thus circumscribed the boundary and diminished the Territory of Texas, the question arose, how many States will Texas be entitled to under this circumscribed boundary. Certainly not four, it will be argued. Why? Because the original resolution of annexation provided that one of the States, if not more, should be north of 36° 30'. It would leave it, then, doubtful whether Texas was entitled to two or three additional States under the circumscribed boundary.

In order to put that matter to rest, in order to make a final settlement, in order to have it explicitly understood what was the meaning of Congress, the senator from Virginia offered the amendment that nothing therein contained should impair that provision, either as to the number of States or otherwise, that is, that Texas should be entitled to the same number of States with her reduced boundaries as she would have been entitled to under her larger boundaries; and those States shall come in with or without slavery, as they might prefer, being all south of 36° 30', and nothing to impair that right shall be inferred from the passage of the act. Such, sir, was the meaning of that proposition. Any other construction of it would stultify the very character and purpose of its

mover, the senator from Virginia. Such, then, was not only the intent of the mover, but such is the legal effect of the law; and I say that no man, after reading the other sections of the bill, those to which I have referred, can doubt that such was both the intent and the legal effect of that law.

Then I submit to the Senate if I have not convicted this manifesto, issued by the abolition confederates, of being a gross falsification of the laws of the land, and by that falsification that an erroneous and injurious impression has been created upon the public mind. I am sorry to be compelled to indulge in language of severity; but there is no other language that is adequate to express the indignation with which I see this attempt, not only to mislead the public, but to malign my character by deliberate falsification of the public statutes and the public records.

In order to give greator plausibility to the falsification of the terms of the compromise measures of 1850, the confederates also declare in their manifesto that they (the territorial bills for the organization of Utah and New Mexico) "applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

I submit to the Senate if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted. They say that the provisions of that bill were confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did purchase a part of that very territory from the State of Texas. And the next section of the law included that Territory in the new Territory of Mexico. It took a small portion also of the old Louisiana purchase, and added that to the Territory of New Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of country acquired from Mexico, and also of territory acquired from Texas, and of territory acquired from France; and yet in defiance of that statute, and in falsification of its terms, we are told, in order to deceive the people, that the bills were confined to the purchase made from Mexico alone; and in order to give it greater solemnity, they repeat it twice, fearing that it would not be believed the first time. What is more, the Territory of Utah was not confined to the country acquired from Mexico. That territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country, acquired from France in 1803, and to which the eighth section of the Missouri act applied in 1820. If these confederates do not know to what country I allude, I only reply that they should have known before they uttered the falsehood, and imputed a crime to me.

But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Florida and fixed a boundary between the United States and Spain, the boundary was made of the Arkansas river to its source, and then the line ran due north of the source of the Arkansas to the 42d parallel, then along on the 42d parallel to the Pacific ocean. That line, due north from the head of the Arkansas, leaves the whole middle part, described in such glowing terms by Colonel Freemont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that middle part is drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that air-line, we ran along the ridge of the mountains, and cut off that part from Nebraska, or from the Louisiana purchase, and included it within the limits of the territory of Utah.

Why did we do it? Because we sought for a natural and convenient boundary, and it was deemed better to take the mountains as a boundary, than by an air line to cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was that so long as we acted upon the principle of settling the slavery question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of free-soilers and abolitionists—when it was superseded by the compromise measures of 1850, which rested upon a great universal principle—there was no necessity for keeping in view the old and unnatural boundary. For that reason, in making the new territories, we formed natural boundaries, irrespective of the source whence our title was derived. In writing these bills I paid no attention to the fact whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The principle which we had established in the bill would apply equally well to either.

In fixing those boundaries, I paid no attention to the fact whether they included old territory or new territory—whether the country was covered by the Missouri compromise or not. Why? Because the principles established in the bills superseded the Missouri compromise. For that reason we disregarded the old boundaries; disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say, therefore, that a close examination of those acts clearly establishes the fact that it was the intent, as well as the legal effect of the compromise measures of 1850, to supersede the Missouri compromise, and all geographical and territorial lines.

Sir, in order to avoid any misconstruction, I will state more distinctly what my precise idea is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object to heal over an old sore, and leave it to break out again? Was it our object to adopt a mere miserable expedient to apply to that territory, and to that alone, and leave ourselves entirely at sea, without compass, when new territory was ac-

quired or new territorial organizations were to be made?

Was that the object for which the eminent and venerable senator from Kentucky [Mr. Clay] came here and sacrificed even his last energies upon the altar of his country? Was that the object for which Webster, Clay, Cass, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient, in agreeing to stand by past and dead legislation, that the Baltimore platform pledged us to sustain the compromise of 1850? Was it the understanding of the whig party, when they adopted the compromise measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning; if that was their object, they palmed off an atrocious fraud upon the American people. Was it the meaning of the democratic party when we pledged ourselves to stand by the compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was a gross deception. When we pledged our President to stand by the compromise measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the democratic party. Men went into that convention who had been opposed to the compromise measures—men who abhorred those measures when they were pending—men who never would have voted affirmatively on them. But, inasmuch as those measures had been passed and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you and with you in carrying out these principles in the future.

Such I understand to be the meaning of the two great parties in Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resolutions which were never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an election.

I hold, then, that, as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri compromise; and as to all the other unorganized territories, it was superseded by the principles of that legislation, and we are bound to apply those principles to the organization of all new territories, to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction, the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction you re-open the issue every time you make a new territorial government. But, sir, if you treat the compromise measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable everywhere in all time to come, then you avoid the agitation for ever, if you observe good faith to the provisions of these enactments, and the principles established by them.

Mr. President, I repeat that, so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principle of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology, that our constituents wish to judge by. They wish to know the legal effect of our legislation.

The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate slavery into these territories nor out of them, but to leave the people to do as they please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, north or south, object to it? I will especially address the argument to my own section of country, and ask why should any northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone.

When these States were colonies of Great Britain, every one of them was a slaveholding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been effected. Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the federal government? Not at all; but they have become free States under the silent but sure and irresistible working of that great principle of self-government which teaches every people to do that which the interests of themselves and their posterity morally and peculiarly may require.

Under the operation of this principle, New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Pennsylvania abolished slavery, while Virginia, North Carolina, and Kentucky retained it. Did they do it at your bidding? Did they do it at the dictation of the federal government? Did they do it in obedience to any of your Wilmot provisos or ordinances of '87? Not at all: they did it by virtue of their rights as freemen under the Constitution of the United States, to establish and abolish such institutions as they thought their own good required.

Let me ask you, where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the Northwest Territory by the ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited slavery there by law,

but you did not exclude it in fact. Illinois was a part of the northwest territory. With the exception of a few French and white settlements, it was a vast wilderness, filled with hostile savages, when the ordinance of 1787 was adopted. Yet, sir, when Illinois was organized with a territorial government, it established and protected slavery, and maintained it in spite of your ordinance and in defiance of its express prohibition. It is a curious fact, that, so long as Congress said the territory of Illinois should not have slavery, she actually had it; and on the very day when you withdrew your Congressional prohibition the people of Illinois, of their own free will and accord, provided for a system of emancipation.

Thus you did not succeed in Illinois Territory with your ordinance or your Wilmot Proviso, because the people there regarded it as an invasion of their rights; they regarded it as an usurpation on the part of the federal government. They regarded it as violative of the great principles of self-government, and they determined that they would never submit even to have freedom so long as you forced it upon them.

Nor must it be said that slavery was abolished in the constitution of Illinois in order to be admitted into the Union as a State, in compliance with the ordinance of 1787; for they did no such thing. In the constitution with which the people of Illinois were admitted into the Union, they absolutely violated, disregarded, and repudiated your ordinance. The ordinance said that slavery should be forever prohibited in that country. The constitution with which you received them into the Union as a State provided that all slaves then in the State should remain slaves for life, and that all persons born of slave parents, after a certain day, should be free at a certain age, and that all persons born in the State after a certain other day should be free from the time of their birth. Thus their State constitution, as well as their territorial legislation, repudiated your ordinance. Illinois, therefore, is a case in point to prove that whenever you have attempted to dictate institutions to any part of the United States, you have failed. The same is true, though not to the same extent, with reference to the Territory of Indiana, where there were many slaves during the time of its territorial existence, and I believe also there were a few in the Territory of Ohio.

But, sir, these abolition confederates, in their manifesto, have also referred to the wonderful results of their policy in the State of Iowa and the Territory of Minnesota. Here, again, they happen to be in fault as to the laws of the land. The act to organize the Territory of Iowa did not prohibit slavery, but the people of Iowa were allowed to do as they pleased under the territorial government; for the sixth section of that act provided that the legislative authority should extend to all rightful subjects of legislation except as to the disposition of the public lands, and taxes in certain cases, but not excepting slavery. It may, however, be said by some that slavery was prohibited in Iowa by virtue of that clause in the Iowa act which declared the laws of Wisconsin to be in force therein, inasmuch as the ordinance of 1787 was one of the laws of Wisconsin. If, however, they say this, they defeat their object, because the very clause which transfers the laws of Wisconsin to Iowa, and makes them of force therein, also provides that those laws are subject to be altered, modified, or repealed by the territorial legislature of Iowa. Iowa, therefore, was left to do as she pleased. Iowa, when she came to form a constitution and State government, preparatory to admission into the Union, considered the subject of free and slave institutions calmly, dispassionately, without any restraint or dictation, and determined that it would be to the interest of her people in their climate, and with their productions, to prohibit slavery; and hence Iowa became a free State by virtue of this great principle of allowing the people to do as they please, and not in obedience to any federal command.

The abolitionists are also in the habit of referring to Oregon as another instance of the triumph of their abolition policy. There again they have overlooked or misrepresented the history of the country. Sir, it is well known, or if it is not, it ought to be, that for about twelve years you forgot to give Oregon any government or any protection; and during that period the inhabitants of that country established a government of their own, and, by virtue of their own laws, passed by their own representatives before you extended your jurisdiction over them, prohibited slavery by a unanimous vote. Slavery was prohibited there by the action of the people themselves, and not by virtue of any legislation of Congress.

It is true that, in the midst of the tornado which swept over the country in 1848, 1849, and 1850, a provision was forced into the Oregon bill prohibiting slavery in that territory; but that only goes to show that the object of those who pressed it was not so much to establish free institutions as to gain a political advantage by giving an ascendancy to their peculiar doctrines in the laws of the land; for slavery having been already prohibited there, and no man proposing to establish it, what was the necessity for insulting the people of Oregon by saying in your law that they should not do that which they had unanimously said they did not wish to do? That was the only effect of your legislation so far as the Territory of Oregon was concerned.

How was it in regard to California? Every one of these abolition confederates, who have thus arraigned me and the Committee on Territories before the country, and have misrepresented our position, predicted that unless Congress interposed by law, and prohibited slavery in California, it would inevitably become a slave-holding State. Congress did not interfere; Congress did not prohibit slavery. There was no enactment upon the subject; but the people formed a State constitution, and therein prohibited slavery.

Mr. WELLER. The vote was unanimous in the convention of California for prohibition.

Mr. DOUGLAS. So it was in regard to Utah and New Mexico. In 1850, we who resisted any attempt to force institutions upon the people of those territories inconsistent with their wishes and their right to decide for themselves, were denounced as slavery propagandists. Every one of us who was in favor of the compromise measures of 1850 was arraigned for having advocated a principle purposing to introduce slavery into those territories, and the people were told, and made to believe, that, unless we prohibited it

by act of Congress, slavery would necessarily and inevitably be introduced into these territories.

Well, sir, we did establish the territorial governments of Utah and New Mexico without any prohibition. We gave to these abolitionists a full opportunity of proving whether their predictions would prove true or false. Years have rolled round, and the result is before us. The people there have not passed any law recognising, or establishing, or introducing, or protecting slavery in the territories

I know of but one territory of the United States where slavery does exist, and that one is where you have prohibited it by law; and it is this very Nebraska country. In defiance of the eighth section of the act of 1820, in defiance of congressional dictation, there have been, not many, but a few slaves introduced. I heard a minister of the Gospel the other day conversing with a member of the Committee on Territories upon this subject. The preacher was from the country, and a member put this question to him: "Have you any negroes out there?" He said there were a few held by the Indians. I asked him if there were not some held by white men? He said there were a few under *peculiar circumstances*, and he gave an instance. An abolition missionary, a very good man, had gone there from Boston, and he took his wife with him.

He got out into the country but could not get any help; hence he, being a kind-hearted man, went down to Missouri and gave $1,000 for a negro, and took him up there as "help." [Laughter]. So, under peculiar circumstances, when these freesoil and abolition preachers and missionaries go into the country, they can buy a negro for their own use, but they do not like to allow any one else to do the same thing. [Renewed laughter.] I suppose the fact of the matter is simply this: there the people can get no servants—no "help," as they are called in the section of country where I was born—and from the necessity of the case, they must do the best they can, and for this reason a few slaves have been taken there. I have no doubt that whether you organize the territory of Nebraska or not, this will continue for some little time to come. It certainly does exist, and it will increase as long as the Missouri compromise applies to the territory; and I suppose it will continue for a little while during their territorial condition, whether a prohibition is imposed or not. But when settlers rush in—when labor becomes plenty, and therefore cheap, in that climate, with its productions—it is worse than folly to think of its being a slaveholding country. I do not believe there is a man in Congress who thinks it could be permanently a slaveholding country. I have no idea that it could. All I have to say on that subject is, that, when you create them into a territory, you thereby acknowledge that they ought to be considered a distinct political organization. And when you give them in addition a legislature, you thereby confess that they are competent to exercise the powers of legislation. If they wish slavery, they have a right to it. If they do not want it, they will not have it, and you should not attempt to force it upon them.

I do not like, I never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and of the laws of God, should be run to establish institutions for a people contrary to their wishes; yet, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere faithfully to all compromises, I sustained the Missouri compromise so long as it was in force, and advocated its extension to the Pacific ocean. Now, when that has been abandoned, when it has been superseded, when a great principle of self-government has been substituted for it, I choose to cling to that principle, and abide in good faith, not only by the letter, but by the spirit of the last compromise.

Sir, I do not recognise the right of the abolitionists of this country to arraign me for being false to secred pledges, as they have done in their proclamations. Let them show when and where I have ever proposed to violate a compact. I have proved that I stood by the compact of 1820 and 1845, and proposed its continuance and observance in 1848. I have proved that the freesoilers and abolitionists were the guilty parties who violated that compromise then. I should like to compare notes with these abolition confederates about adherence to compromises. When did they s and by or approve of any one that was ever made?

Did not every abolitionist and freesoiler in America denounce the Missouri compromise in 1820? Did they not for years hunt down ravenously, for his blood, every man who assisted in making that compromise? Did they not in 1845, when Texas was annexed, denounce all of us who went for the annexation of Texas, and for the continuation of the Missouri compromise line through it? Did they not, in 1848, denounce me as a slavery propagandist for standing by the principles of the Missouri compromise, and proposing to continue it to the Pacific ocean? Did they not themselves violate and repudiate it then? Is not the charge of bad faith true as to every abolitionist in America, instead of being true as to me and the committee, and those who advocate this bill?

They talk about the bill being a violation of the compromise measures of 1850. Who can show me a man in either house of Congress who was in favor of those compromise measures in 1850, and who is not now in favor of leaving the people of Nebraska and Kansas to do as they please upon the subject of slavery, according to the principle of my bill? Is there one? If so, I have not heard of him. This tornado has been raised by abolitionists, and abolitionists alone. They have made an impression upon the public mind, in the way in which I have mentioned, by a falsification of the law and the facts; and this whole organization against the compromise measures of 1850 is an abolition movement. I presume they had some hope of getting a few tender-footed democrats into their plot; and, acting on what they supposed they might do, they sent forth publicly to the world the falsehood that their address was signed by the senators and a majority of the representatives from the State of Ohio; but when we come to examine signatures, we find no one whig there, no one democrat there; none but pure, unmitigated, unadulterated abolitionists.

Much effect, I know, has been produced by this circular, coming as it does with the imposing title

of a representation of a majority of the Ohio delegation. What was the reason for its effect? Because the manner in which it was sent forth implied that all the whig members for that State had joined in it; that part of the democrats had signed it; and then that the two abolitionists had signed it, and that made a majority of the delegation. By this means it frightened the whig party and the democracy in the State of Ohio, because they supposed their own representatives and friends had gone into this negro movement, when the fact turns out to be that it was not signed by a single whig or democratic member from Ohio.

Now, I ask the friends and the opponents of this measure to look at it as it is. Is not the question involved the simple one, whether the people of the Territories shall be allowed to do as they please upon the question of slavery, subject only to the limitations of the Constitution? That is all the bill provides; and it does so in clear, explicit, and unequivocal terms. I know there are some men, whigs and democrats, who, not willing to repudiate the Baltimoro platform of their own party, would be willing to vote for this principle, provided they could do so in such equivocal terms that they could deny that it means what it was intended to mean in certain localities. I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri compromise, about the territory acquired from France, about the act of 1820, be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the subject of slavery? Why should you not?

When you propose to give them a Territorial Government, do you not acknowledge that they ought to be erected into a political organization; and when you give them a legislature, do you not acknowledge that they are capable of self-government? Having made that acknowledgement, why should you not allow them to exercise the rights of legislation? Oh, these abolitionists say they are entirely willing to concede all this, with one exception. They say they are willing to trust the Territorial legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education, and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, upon everything pertaining to the dearest rights and interests of white men, but they are not willing to trust them to legislate in regard to a few miserable negroes. That is their single exception. They acknowledge that the people of the territories are capable of deciding for themselves concerning white men, but not in relation to negroes. The real gist of the matter is this: Does it require any higher degree of civilization, and intelligence, and learning, and sagacity, to legislate for negroes than for white men? If it does, we ought to adopt the abolition doctrine, and go with them against this bill. If it does not—if we are willing to trust the people with the great, sacred, fundamental right of prescribing their own institutions, consistent with the Constitution of the country—we must vote for this bill. That is the only question involved in the bill. I hope I have been able to strip it of all the misrepresentation, to wipe away all of that mist and obscurity with which it has been surrounded by this abolition address.

I have now said all I have to say upon the present occasion. For all, except the first ten minutes of these remarks, the abolition confederates are responsible. My object, in the first place, was only to explain the provisions of the bill, so that they might be distinctly understood. I was willing to allow its assailants to attack it as much as they pleased, reserving to myself the right, when the time should approach for taking the vote, to answer in a concluding speech all the arguments which might be used against it. I still reserve—what I believe common courtesy and parliamentary usage awards to the chairman of a committee and the author of a bill—the right of summing up after all shall have been said which has to be said against this measure.

I hope the compact which was made on last Tuesday, at the suggestion of these abolitionists, when the bill was proposed to be taken up, will be observed. It was that the bill, when taken up to-day, should continue to be considered from day to day until finally disposed of. I hope they will not repudiate and violate that compact, as they have the Missouri compromise and all others which have been entered into. I hope, therefore, that we may press the bill to a vote; but not by depriving persons of an opportunity of speaking.

I am in favor of giving every enemy of the bill the most ample time. Let us hear them all patiently, and then take the vote and pass the bill. We who are in favor of it know that the principle on which it is based is right. Why, then, should we gratify the abolition party in their effort to get up another political tornado of fanaticism, and put the country again in peril, merely for the purpose of electing a few agitators to the Congress of the United States?

SPEECH OF THE HON. S. P. CHASE, OF OHIO,

IN THE SENATE, FEB. 3, 1854.

MAINTAIN PLIGHTED FAITH."

The bill for the organization of the Territories of Nebraska and Kansas being under consideration—

Mr. CHASE submitted the following amendment:

Strike out from section 14 the words "was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and;" so that the clause will read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative."

Mr. CHASE said:

Mr. President, I had occasion, a few days ago, to expose the utter groundlessness of the personal charges made by the Senator from Illinois [Mr. DOUGLAS] against myself and the other signers of the Independent Democratic appeal. I now move to strike from this bill a statement which I will to-day demonstrate to be without any foundation in fact or history. I intend afterwards to move to strike out the whole clause annulling the Missouri prohibition.

I enter into this debate, Mr. President, in no spirit of personal unkindness. The issue is too grave and too momentous for the indulgence of such feelings. I see the great question before me, and that question only.

Sir, these crowded galleries, these thronged lobbies, this full attendance of the Senate, prove the deep, transcendent interest of the theme.

A few days only have elapsed since the Congress of the United States assembled in this Capitol. Then no agitation seemed to disturb the political elements. Two of the great political parties of the country, in their national conventions, had announced that slavery agitation was at an end, and that henceforth that subject was not to be discussed in Congress or out of Congress. The President, in his annual message, had referred to this state of opinion, and had declared his fixed purpose to maintain, as far as any responsibility attached to him, the quiet of the country. Let me read a brief extract from that message:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

The agreement of the two old political parties, thus referred to by the Chief Magistrate of the country was complete, and a large majority of the American people seemed to acquiesce in the legislation of which he spoke.

A few of us, indeed, doubted the accuracy of these statements, and the permanency of this repose. We never believed that the acts of 1850 would prove to be a permanent adjustment of the slavery question. We believed no permanent adjustment of that question possible except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits, and freedom, without exception or limitation, was intended to be secured to every person outside of State limits and under the exclusive jurisdiction of the General Government.

But, sir, we only represented a small, though vigorous and growing party in the country. Our number was small in Congress. By some we were regarded as visionaries—by some as factionists; while almost all agreed in pronouncing us mistaken.

And so, sir, the country was at peace. As the eye swept the entire circumference of the horizon and upward to mid-heaven not a cloud appeared; to common observation there was no mist or stain upon the clearness of the sky.

But suddenly all is changed; rattling thunder breaks from the cloudless firmament. The storm bursts forth in fury. Warring winds rush into conflict.

"Eurus, Notusque ruunt, creberque procellis,
Africus."

Yes, sir, "*creber procellis Africus*"—the south wind thick with storm. And now we find ourselves in the midst of an agitation, the end and issue of which no man can foresee.

Now, sir, who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we, who are denounced as agitators and factionists. No, sir: the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

This will not escape the observation of the country. It is *Slavery* that renews the strife. It is Slavery that again wants room. It is Slavery with its insatiate demand for more slave territory and more slave States.

And what does Slavery ask for now? Why, sir, it demands that a time-honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted, and by which all have consented to abide.

It will not answer to violate such a compact without a pretext. Some plausible ground must be discovered or invented for such an act; and such a ground is supposed to be found in the doctrine which was advanced the other day by the Senator from Illinois that the compromise acts of 1850 "superseded" the prohibition of slavery north of 36° 30′, in the act preparatory for the admission of Missouri. Ay, sir, "superseded" is the phrase—"superseded by the principles of the legislation of 1850, commonly called the compromise measures."

It is against this statement, untrue in fact, and without foundation in history, that the amendment which I have proposed is directed.

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate Chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri compromise? The Senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he in the report made by him as chairman of the Committee of Thirteen, or in any speech in support of the compromise acts, or in any conversation in the committee, or out of the committee, ever even hint at this doctrine of supersedure? Did any supporter, or any opponent of the compromise acts, ever vindicate or condemn them upon the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion.

Now, sir, let us come to the last session of Congress. A Nebraska bill passed the House and came to the Senate, and was reported from the Committee on Territories by the Senator from Illinois, as its chairman. Was there any provision in it which even squinted towards this notion of repeal by supersedure? Why, sir, southern gentlemen opposed it upon the very ground that it left the Territory under the operation of the Missouri prohibition. The Senator from Illinois made a speech in defense of it. Did he invoke southern support upon the ground that it superseded the Missouri prohibition? Not at all. Was it opposed or vindicated by anybody on any such ground? Every Senator knows the contrary. The Senator from Missouri, [Mr. ATCHISON,] now the President of this body, made a speech upon the bill, in which he distinctly declared that the Missouri prohibition was not repealed, and could not be repealed.

I will send this speech to the Secretary, and ask him to read the paragraphs marked.

The Secretary read as follows

"I will now state to the Senate the views which induced me to oppose this proposition in the early part of the session.

"I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or, at least, a very small portion of it had been. Another was the Missouri compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union excluding slavery from the Territory of Louisiana north of 36° 30′, would be enforced in that Territory unless it was specially rescinded; whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that Territory. But when I came to look into the question, I found that there was no prospect, no hope, of a repeal of the Missouri compromise, excluding slavery from that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents, and the constituents of the whole South—of the slave States of the Union, could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot ever be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."—*Congressional Globe, Second Session 32d Cong., vol. 26, page 1113.*

That, sir, is the speech of the Senator from Missouri, [Mr. ATCHISON,] whose authority, I think, must go for something upon this question. What does he say? "When I came to look into that question"—of the possible repeal of the Missouri prohibition—that was the question he was looking into—"I found that there was no prospect, no hope, of a repeal of the Missouri compromise ex-

cluding Slavery from that Territory." And yet, sir, at that very moment, according to this new doctrine of the Senator from Illinois, it had been repealed three years!

Well, the Senator from Missouri said further, that if he thought it possible to oppose this restriction successfully, he never would consent to the organization of the Territory until it was rescinded. But, said he, "I acknowledge that I have no hope that the restriction will ever be repealed." Then he made some complaint, as other southern gentlemen have frequently done, of the ordinance of 1787, and the Missouri prohibition; but went on to say, "they are both irremediable; there is no remedy for them; we must submit to them; I am prepared to do it: it is evident that the Missouri compromise cannot be repealed."

Now, sir, when was this said? It was on the morning of the 4th March, just before the close of the last session, when that Nebraska bill, reported by the Senator from Illinois, which proposed no repeal, and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress, nobody had ever thought of a repeal by supersedure. Then what took place at the commencement of the present session? The Senator from Iowa, early in December, introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, and word for word. If I am wrong, the Senator will correct me.

Did the Senator from Iowa, then entertain the idea that the Missouri prohibition had been superseded? No, sir; neither he nor any other man here, so far as could be judged from any discussion, or statement, or remark, had received this notion.

Well, on the 4th day of January, the Committee on Territories, through their chairman, the Senator from Illinois, made a report on the territorial organization of Nebraska; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the compromise acts of 1850 superseded the Missouri prohibition? If they did, they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say it is, that? In the first place, they describe the character of the controversy in respect to the Territories acquired from Mexico. They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition, and that slaveholders could take their slaves into the territory, and hold them there under the provisions of the Constitution. The territorial compromise acts, as the committee tell us, steered clear of these question. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State governments. That question was left entirely to judicial decision.

Well, sir, what did the committee propose to do with the Nebraska Territory? In respect to that, as in respect to the Mexican Territory, differences of opinion exist in relation to the introduction of slaves. There are southern gentlemen who contend that notwithstanding the Missouri prohibition, they can take their slaves into the Territory covered by it, and hold them there by virtue of the Constitution. On the other hand, the great majority of the American people, North and South, believe the Missouri prohibition to be constitutional and effectual. Now what did the committee propose? Did they propose to repeal the prohibition? Did they suggest that it had been superseded? Did they advance any idea of that kind? No, sir. This is their language:

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void, while the prevailing sentiment in a large portion of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

This language will bear repetition:

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

And they go on to say:

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Mr. President, here are very remarkable facts. The Committee on Territories declared that it was not wise, that it was not prudent, that it was not right to renew the old controversy, and to renew agitation. They declared that they would abstain from any recommendation of a repeal of the prohibition, or of any provision declaratory of the construction of the Constitution in respect to the legal points in dispute.

Mr. President, I am not one of those who suppose that the question between Mexican law and the slave-holding claims was avoided in the Utah and New Mexico act; nor do I think that the introduction into the Nebraska bill of the provisions of those acts in respect to slavery would leave the question between the Missouri prohibition and the same slaveholding claim entirely unaffected. I am of a very different opinion. But I am dealing now with the report of the Senator from Illinois, as chairman of the committee, and I show, beyond all controversy, that that report gave no countenance whatever to the doctrine of repeal by supersedure.

Well, sir, the bill reported by the committee was printed in the Washington Sentinel on Saturday, January 7. It contained twenty sections; no more, no less. It contained no provisions in respect to slavery, except those in the Utah and New Mexico bills. It left those provisions to speak for themselves. This was in harmony with the report of the committee. On the 10th of January—on Tuesday—the act appeared again in the Sentinel: but it had grown longer during the interval. It appeared now with twenty-one sections. There was a statement in the paper that the twenty-first section had been omitted by a clerical error.

But, sir, it is a singular fact that this twenty-first section is entirely out of harmony with the committee's report. It undertakes to determine the effect of the provision in the Utah and New Mexico bills. It declares, among other things, that all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. This provision, in effect repealed the Missouri prohibition, which the committee, in their report, declared ought not to be done. Is it possible, sir, that this was a mere clerical error? May it not be that this twenty-first section was the fruit of some *Sunday work*, between Saturday the 7th, and Tuesday the 10th?

But, sir, the addition of this section, it seems, did not help the bill. It did not, I suppose, meet the approbation of southern gentlemen, who contend that they have a right to take their slaves into the Territories, notwithstanding any prohibition, either by Congress or by a Territorial Legislature. I dare say it was found that the votes of these gentlemen could not be had for the bill with that clause in it. It was not enough that the committee had abandoned their report, and added this twenty-first section, in direct contravention of its reasonings and principles. The twenty-first section itself must be abandoned, and the repeal of the Missouri prohibition placed in a shape which would not deny the slaveholding claim.

The Senator from Kentucky [Mr. DIXON,] on the 16th January, submitted an amendment which came square up to repeal, and to the claim. That amendment probably, produced some fluttering and some consultation. It met the views of southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no cause which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of southern Senators to support it, and to vote against any provision recognizing the right of any Territorial Legislature to prohibit the introduction of slavery.

It was just seven days, Mr. President, after the Senator from Kentucky had offered his amendment, that a fresh amendment was reported from the Committee on Territories, in the shape of a new bill, enlarged to forty sections. This new bill cuts off from the proposed Territory half a degree of latitude on the south, and divides the residue into two Territories—the southern Territory of Kansas, and the northern Territory of Nebraska. It applies to each all the provisions of the Utah and New Mexico bills; it rejects entirely the twenty-first clerical-error section, and abrogates the Missouri prohibition by the very singular provision which I will read:

> "The Constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is therefore declared inoperative."

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The Senator from Kentucky was right when he said it was in effect the equivalent of his amendment. Those who are willing to break up and destroy the old compact of 1820, can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this supersedure clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue. I have said that this doctrine of supersedure is new. I have now proved that it is a part of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted: we already see its poison fruits.

The provision I have quoted abrogates the Missouri prohibition. It asserts no right in the Territorial Legislature to prohibit slavery. The Senator from Illinois, in his speech, was very careful to assert no right of legislation in a Territorial Legislature, except subject to the restrictions and limitations of the Constitution. We know well enough what the understanding or claim of southern gentlemen is in respect to these limitations and restrictions. They insist that by them every Territorial Legislature is absolutely precluded from all power of legislation for the prohibition of slavery. I warn gentlemen who propose to support this bill, that their votes for this provision will be regarded as admitting this claim.

I have thus given a brief account of the mutations which this bill has undergone. I have shown the recent origin and brief existence of the pretense that the Missouri prohibition is superseded by the legislation of 1850. I now appeal to the Senators who sit around me, and who with me participated in the discussions of 1850—I ask them to say whether any one of them imagined then, or believes now, that the Missouri prohibition was superseded by the legislation of that year. Here, sir, sits the Senator from Virginia, [Mr. MASON]—will he say that at any time before the 23d of January, 1854, he ever heard such a proposition stated or maintained anywhere, by anybody? No, sir, he will not say it. There is no evidence that the assertion was ever made before that day, when it made its appearance in the Senator's bill. It is a remarkable circumstance, that five thousand copies of the committee's report have been printed by the order of the Senate, and I know not how many for individual subscribers, and circulated through the country, sustaining the bill upon the ground that the Missouri prohibition is

neither repealed nor affirmed—while the bill itself as now amended expressly abrogates that prohibition. The report as circulated condemns the bill as amended, and the bill as amended contradicts the report as circulated. All this must necessarily mislead and confuse the public judgment.

I have now proved that the doctrine of supersedure is a novelty. I will proceed to prove that it is as groundless as it is novel.

The Senator from Illinois, in his speech the other day, made a general charge of gross ignorance of the history and geography of the country against the signers of the Independent Democratic Appeal, and singled out several paragraphs of that Appeal for special reprehension. It was rather adroit in the Senator to mix the defense of his own bill with an attack upon two Senators whose opinions on slavery questions are at variance with those most commonly received here. But this movement will not, I think, avail him much. I have no fears that he can refute any statement, or overturn any proposition of that address. Sir, he might as well attack Gibraltar. True in all its statements, and irrefragable, as I believe, in all its reasonings, it is impregnable to any assault by him, or any man.

The first specification under his general charge of ignorance and misrepresentation, denies the truth of a statement which I will now read:

"These acts were never supposed to abrogate or touch the existing exclusion of slavery from what is now called Nebraska. They applied to the Territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

That the first sentence which I have read is absolutely true, I suppose no man now doubts. Senators who were here during the discussions of 1850, must remember that the report of the Committee of Thirteen distinctly stated that the compromise measures applied to the "newly acquired territory." The honorable and distinguished Senator from Michigan sits near me, and can say whether any syllable was uttered in the Committee of Thirteen or elsewhere, to his knowledge, which indicated any purpose to apply them to any other Territory. If I am in error, I beg the Senator to correct me. [Mr. CASS remained silent.] I am right, then.

But the Senator from Illinois says that the territorial compromise acts did in fact apply to other territory than that acquired from Mexico. How does he prove that? He says that a part of the territory was acquired from Texas. But this very territory which he says was acquired from Texas was acquired first from Mexico. After Mexico ceded it to the United States, Texas claimed that that cession inured to her benefit. That claim, only, was relinquished to the United States. The case, then, stands thus: we acquired the territory from Mexico; Texas claimed it, but gave up her claim. This certainly does not disprove the assertion that the territory was acquired from Mexico, and as certainly it does not sustain the Senator's assertion, that it was acquired from Texas.

The Senator next tells the Senate and the country, that by the Utah act, there was included in the Territory of Utah a portion of the old Louisiana acquisition, covered by the Missouri prohibition, which prohibition was annulled as to that portion by the provisions of that act. Every one at all acquainted with our public history knows that the dividing line between Spain and the United States extended due north from the source of the Arkansas to the 42d parallel of north latitude. That arbitrary line left within the Louisiana acquisition a little valley in the midst of rocky mountains, where several branches of the Grand river, one of the affluents of the Colorado, take their rise. Here is the map. There spreads out the vast Territory of Utah, more than one hundred and eighty-seven thousand square miles. Here is the little spot, hardly a pin's point upon the map, which I cover with the tip of my little finger, which, according to the boundary fixed by the territorial bill, was cut off from the Louisiana acquisition and included in Utah. The account given of it in the Senator's speech would lead one to suppose that it was an important part of the Louisiana acquisition. It is, in fact, not of the smallest consequence. There are no inhabitants there. It is, as I have said, a secluded little valley in the Rocky Mountains, visited once by Frémont, and penetrated occasionally by wandering bands of Arapahoes and Utahs. The summit of the Rocky Mountains was assigned as the eastern limit of Utah. That limit, in consequence of the curvature of the mountain range, happened to include this valley. Nobody here, at the time of the passage of the Utah bill, adverted to that fact. It was known that the Rocky Mountain range was very near the arbitrary line fixed by the treaty, and nobody ever dreamed that the adoption of that range as the eastern boundary of Utah would abrogate the Missouri prohibition. The Senator reported that boundary line. Did he tell the Senate or the country that its establishment would have that effect? No, sir; never. The assertion of the Senator that a "close examination of the Utah act clearly establishes the fact that it was the intent, as well as the legal effect of the compromise measures of 1850 to supersede the Missouri compromise, and all geographical and territorial lines," is little short of preposterous. There was no intent at all, except to make a convenient eastern boundary to Utah, and no legal effect at all upon the Louisiana acquisition, except to cut off from it the little valley of the Middle Park.

The second specification of the Senator, denies the accuracy of the following statement of the address, in relation to this pretense of supersedure:

"The compromise acts themselves refute this pretension. In the third article of the second section of the joint resolution for annexing Texas to the United States, it is expressly declared that 'in such State or States as shall be formed out of said Territory north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited;' and in the act for organizing New Mexico, and setting the boundary of Texas, a proviso was incorporated, on the motion of Mr. MASON, of Virginia, which distinctly preserves this prohibition, and flouts the bare-faced pretension that all the territory of the United States, whether north or south of the Missouri compromise line, is to be open to slavery. It is as follows:

"'*Provided*, That nothing herein contained shall be construed to impair or qualify ANYTHING contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise.'

"Here is proof beyond controversy, that the principle of the Missouri act, prohibiting slavery north of 36° 30',

far from being abrogated by the compromis acts, is expressly affirmed; and that the proposed repeal of this prohibition, instead of being an affirmation of the compromise acts, is a repeal of a very important provision of the most important act of the series. It is solemnly declared in the very compromise acts *"that nothing herein contained shall be construed to impair or qualify"* the prohibition of slavery north of 36° 30', and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go? To all who, in any way, lean upon these compromises we commend this exposition."

This is what the Senator says in his speech about the passages I have just read from the address:

"They suppress the following material facts, which, if produced, would have disproved their statement: They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36° 30'. They then suppress the further fact that the same section of the law cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and added it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missouri compromise line did apply, was incorporated into the Territory of New Mexico. And then what was done? It was incorporated into that Territory with this clause:

"'That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of its adoption.'

"Yet, sir, the very bill and section from which they quote cuts off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line, incorporates it into the Territory of New Mexico, and then says that that territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper."

The assertion here is, that all the territory claimed by Texas north of 36° 30' was cut off by the Texan boundary and New Mexico act.

Mr. DOUGLAS. Read it.

Mr. CHASE. I have read it; but will read it again.

"Yes, sir, the very bill and section from which they quote cuts off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line, incorporates it with the Territory of New Mexico, and then says that that territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper."

Mr. DOUGLAS, (in his seat.) Most of it.

Mr. CHASE. In his speech the Senator said ALL the territory claimed by Texas north of 36° 30' was incorporated into New Mexico. Now he says, MOST OF IT. These are very different statements. I will show the Senate what was and what was not incorporated. The boundary line between Spain and the United States—for I want to make this matter perfectly clear and distinct—was this:

"The boundary line between the two countries west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the 32° of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches or Red river; then following the course of the Rio Roxo westward, to the degree of longitude 100° west from London, and 23° from Washington; then crossing the said Red river, and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 42° north, and thence by that parallel of latitude to the South Sea."

Now look at this boundary upon the map. Here it is. [Exhibiting the map.] Here we go up the Sabine to the 32° parallel; then straight north to the Red river; then along the Red river to the 100° of longitude; then straight north again to the Arkansas; then up the Arkansas to its source; then straight north once more to the 42° of latitude. There you see the boundary between the United States and the Spanish possessions, as defined by the treaty of 1820.

Now, what did Texas claim? Here is the most authentic evidence of it in her own act, approved December 19, 1836, by SAM HOUSTON. I will read it:

"Beginning at the mouth of the Sabino river, running west along the Gulf of Mexico, three leagues from land, to the mouth of the Rio Grande; thence up the principal stream of the said river to its source; then due north to the 42° of north latitude; *thence along the boundary line as defined in the treaty between the United States and Spain to the beginning.*"

That, sir, is the boundary claimed by Texas. After her annexation to the United States, and after the treaty with Mexico of Guadalupe Hidalgo, Texas asserted her claim to the whole territory included within these limits. The Senator from Virginia [Mr. MASON] was among those who regarded this claim of Texas as just—not because of any valid original title to the territory, but because of the implied recognition of her title by the United States. I need not say that I, in common with very many others, dissented from that view. But the Senator from Virginia, and other Senators, maintained it. That Senator, on the 30th July, 1850, moved a joint resolution recognizing this claim, which I will read:

"*Resolved*, &c., That by the joint resolution, approved March 1st, 1845, for annexing Texas to the United States, it being ordained that 'the territory properly included within and rightfully belonging to the Republic of Texas, may be erected into a new State,' &c., it is the opinion and judgment of Congress, that the admission of Texas into the Union, with the boundaries described by the laws thereof, not objected to by the United States, at the time of such annexation, is conclusive, as against the United States, of the right of Texas to the territory included within such boundaries."

The recognition proposed by this resolution would give to Texas all the land east of the Rio Grande, and a line drawn from its source to the forty-second parallel, and west of the line between the United States and the Spanish possessions already described.

Now, sir, of the territory within this claim of Texas, that part between the 32° and 38° of north latitude, and west of 103° of longitude, was incorporated into the Territory of New Mexico. That part between the 38th parallel and the Arkansas river, stretching north toward the 42d parallel in a long narrow strip, and that other part included within 100° and 103° of longitude, and 36° 30' north latitude, and the Arkansas river, were not incorporated into New Mexico, nor relinquished to Texas, but became a part of the territory of the United States. Here are these two tracts of country, which the Senator says were cut off from Texas, and incorporated into New Mexico. If the claim of Texas was valid, they were cut off from her territory, but they were not incorporated into New Mexico. The Senator is totally mistaken as to that; and it is not a trifling mistake. The tract west of New Mexico, between 36° 30' and the Arkansas river, contains over twenty thousand square miles. It is not easy to estimate the contents of the other tract. The first is as large as Connecticut, Rhode Island, Massachusetts, and New Hampshire put together. The two tracts

probably are nearly equal in extent to the whole of New England, excluding Maine. There are seven States in the Union neither of which equals in extent the larger of these tracts, nor probably the smaller. Not one foot of this territory was incorporated into New Mexico, and yet the Senator asserted that it all was. I repeat, sir, that here was a great error. I show the Senator that he was wrong in a very material statement. But do I accuse him, therefore, of falsifying the public history of the country? of wilful misrepresentation? of falsehood? Not at all. The Senator, like other *men*, is liable to error. If he falls into error upon a point material to any controversy which I may happen to have with him, I will correct the error, but I will not reproach the man. I will not charge him with violating truth, or with intentional misrepresentation.

I said the other day to that Senator, when he proposed to deny to me a postponement warranted by the usages of the Senate, that I thought him incapable of understanding the obligations of courtesy. I prefer now to restrict that statement, and say that the Senator, on that occasion, under some excitement, perhaps, and perhaps influenced also by an over-anxious desire to hasten the vote upon his bill, disregarded the obligations which courtesy imposes. I make this remark because I am unwilling, under any provocation, to do any injustice to a political or personal opponent. While I say this, however, I ought, perhaps, to add in reference to a remark which fell from the Senator on that occasion, that at no time did I ever approach him with a smiling face, or an angry face, or any face at all, to obtain from him a postponement of his bill, in order to gain time for the circulation of attacks upon it. I have condemned his bill strongly, and have condemned his action in bringing forward this repeal of the Missouri prohibition. But I have done no injustice to the Senator. All that I have done at all, I have done openly. I have not waged, nor will I wage a war of epithets. It neither accords with my principles, nor with my tastes. But while I wage no such war, I dread none. Neither vituperation, nor denunciation will move me, while I have the approval of my own judgment and conscience. But I did not intend to recur to this matter, and willingly dismiss it.

If the Senator is wrong, as I have shown he is, in respect to the incorporation of all the territory, out off from Texas, into New Mexico, then he is also wrong in his declaration that the compromise act of 1850 does not preserve and reassert the principle of the Missouri prohibition.

The facts are few and simple, and the inference from them obvious and irresistible.

The third article of the joint resolution for the annexation of Texas reads thus:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the Territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said Territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said Territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Here is an express stipulation that slavery shall be prohibited in any State formed out of the Territory of Texas north of 36° 30'. This was a valuable stipulation for freedom, in case the claim of Texas was a valid one to the whole territory within her boundaries. The Senator from Virginia regarded that claim as valid; and it was upon his motion that the proviso which I now proceed to quote was incorporated into the Texas boundary bill:

Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise."

Here was a compact between two States. So far as the parties were competent to enter into it, it was obligatory and permanent. That compact covered all the territory rightfully within the limits of Texas, until rescinded. It could make no difference if a portion of that territory should be subsequently relinquished to the United States. That would not disturb the effect of the compact. But this matter was not left to inference or conjecture. At the very moment of relinquishment, the United States and Texas, by agreeing to the proviso I have quoted, saved the compact, and continued it in full force in all its provisions.

Nothing can be clearer, then, than that, if the two tracts of country of which I have spoken were within the rightful claim of Texas, the compact applied to them, and the prohibition of slavery in the States to be created out of them, is still in force. And it is, perhaps, at this day the only prohibition which is in force there; for the Missouri prohibition, enacted in 1820, may be regarded as restricted to the limits of the Louisiana acquisition as defined by the treaty with Spain, which was concluded in that year.

But the Senator from Illinois says that the prohibition in the annexation resolution was of no practical effect, except to preserve the principle of the Missouri compromise. That was true, if Texas never had any just claim north of 36° 30'. Upon that supposition, also, the Mason proviso had no effect as preserving and reaffirming an actual prohibition north of 36° 30', but still served to preserve the principle. It is impossible to maintain, as the Senator does, that the third article of the original joint resolution, though of no practical effect, preserved the principle of the Missouri compromise, and yet deny that the Mason proviso, which reaffirms and reëstablishes, as part of a new compact, every provision of that third article, preserves that principle. If the principle was preserved by one, it must be by the other.

I have now, I think, demonstrated that the Senator from Illinois was clearly wrong in asserting the incorporation of all the territory cut off from Texas into New Mexico; and just as clearly wrong in denying the reaffirmance of the principle of the Missouri compromise by one of those very compromise acts which, as he would have us say, superseded it. Certainly the Senate, when it adopted the Mason proviso, without a division, and the House, when it agreed to the bill of which it was a part, must have intended to keep alive and affirm every provision of the third article of the annexation resolution. One of these provi-

sions prohibited slavery north of 36° 30'. That provision preserved the principle of the Missouri compromise. The proviso, taken in connection with that provision, makes it clear beyond all question that the compromise acts preserved that principle, and rejected the consequence which it is now sought to force upon them.

I submit to the Senate if I have not completely vindicated this part of the appeal against the speech of the Senator? The errors, mistakes, misrepresentations, are all his own. None are found in the appeal.

The third specification of the Senator charges the signers of the appeal with misrepresentation of the original policy of the country in respect to slavery. The Senator says:

"The argument of this manifesto is predicated upon the assumption that the policy of the Fathers of the Republic was to prohibit Slavery in all the Territories ceded by the old States to the Union, and made United States territory for the purpose of being organized into new States. I take issue upon that statement."

The Senator then proceeds to attempt to show that the original policy of the country was one of indifferentism between slavery and freedom; and that, in pursuance of it, a geographical line was established, reaching from the east to the western limit of the original States—that is to say, to the Mississippi River. Sir, if anything is susceptible of absolute historical demonstration, I think it is the proposition that the founders of this Republic never contemplated any extension of slavery. Let us for a few moments retrace the past.

What was the general sentiment of the country when the Declaration of Independence was promulgated? I invoke Jefferson as a witness. Let him speak to us from his grave in the language of his memorable exposition of the rights of British America, laid before the Virginia convention, in August, 1774. These are his words:

"The abolition of domestic slavery is the greatest object of desire in these colonies, where it was unhappily introduced in their infant state."

In the spirit which animated Jefferson, the First Congress—the old Congress of 1774—among their first acts, entered into a solemn covenant against the slave traffic.

In 1776, the Declaration of Independence, drafted by Jefferson, announced no such low and narrow principles as seem to be in fashion now. That immortal document asserted no right of the strong to oppress the weak, of the majority to enslave the minority. It promulgated the sublime creed of human rights. It declared that ALL MEN are created equal, and endowed by their Creator with inalienable rights to life and liberty.

The first acquisition of territory was made by the United States three years before the adoption of the Constitution. Just after the country had emerged from the war of independence, when its struggles, perils, and principles were fresh in remembrance, and the spirit of the Revolution yet lived and burned in every American heart, we made our first acquisition of territory. That acquisition was derived from—I might, perhaps, better say confirmed by—the cessions of Virginia, New York and Connecticut. It was the territory northwest of the river Ohio.

Congress forthwith proceeded to consider the subject of its government. Mr. Jefferson, Mr. Howell, and Mr. Chase were appointed a committee to draft an ordinance making provision for that object. The ordinance reported was the work of Mr. Jefferson, and is marked throughout by his spirit of comprehensive intelligence, and devotion to liberty. It did not confine its regards to the territory actually acquired, but contemplated further acquisitions by the cessions of other States. It provided for the organization of temporary and permanent State governments in all territory, whether "ceded or to be ceded," from the 31st parallel, the boundary between the United States and the Spanish province of Florida on the south, to the 42d parallel, the boundary between this country and the British possessions on the north.

The territory was to be formed into States; the settlers were to receive authority from the General Government to form temporary governments. The temporary governments were to continue until the population should increase to twenty thousand inhabitants; and then the temporary were to be converted into permanent governments. Both the temporary and the permanent governments were to be established upon certain principles, expressly set forth in the ordinance, as their basis. Chief among those was the important proviso to which I now ask the attention of the Senate:

"After the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted to have been personally guilty."

Let it be noted and remembered that this proviso applied not only to the territory which had been ceded already by Virginia and the other States, but to all territory ceded and to be ceded. There was not one inch of territory within the whole limits of the Republic which was not covered by the claims of one or another of the States. It was then the opinion of many statesmen—Mr. Jefferson himself among them—that the United States, under the Constitution, were incapable of acquiring territory outside of the original States. The Jeffersonian proviso, therefore, extended to all territory which it was then supposed the United States could possibly acquire.

Well, what was the action of Congress upon this proviso? Mr Speight, of North Carolina, moved that it be stricken from the ordinance, and the vote stood, for the proviso, six States—New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania; against it, three States—Virginia, Maryland and South Carolina. Delaware and Georgia were not then represented in the Congress, and the vote of North Carolina being divided, was not counted; nor was the vote of New Jersey counted, one delegate only being present. But the Senate will observe that the States stood six to three. Of the twenty-three delegates present, sixteen were for the proviso, and seven against it. The vote of the States was two to one, and that of the delegates more than two to one for the proviso. But under the provisions of the Articles of Confederation which then controlled the legislation of Congress, the votes of a majority of all the States were necessary to retain the proviso in the ordinance. It failed, consequently; precisely as a proviso in a treaty must fail unless it receive the votes of two-thirds of the members

of the Senate. Sir, if that doctrine of the rights of majorities, of which we hear so much and see in actual practice so little, had then been recognized—if the wishes of a majority of the States, and of the majority of the delegates, had prevailed—if the almost universal sentiment of the people had been respected, the question of slavery in this country would have been settled that day forever. All the territory acquired by the Union would have been covered with the impenetrable ægis of freedom. But then, as now, there was a slave interest in the country—then, as now, there was a slave power. The interest was comparatively small, and the power comparatively weak; but they were sufficient, under the then existing government, to defeat the proviso, and transfer the great question of slavery to future discussion. The facts which I have detailed, however, are sufficient to show what was the general sentiment, and what was the original policy of the country in respect to slavery. It was one of limitation, discouragement, repression.

What next occurred? The subject of organizing this Territory remained before Congress. Mr. Jefferson, in 1785, went to France. His great influence was no longer felt in the councils of the country, but his proviso remained, and in 1787 was incorporated into the ordinance for the government of the territory northwest of the river Ohio. I beg the Senate to observe, that this territory was, at that moment, the whole territory belonging to the United States. I will not trouble the Senate by reading the proviso of the ordinance. It is enough to say that the Jefferson Proviso of 1784, coupled with a provision saving to the *original* States of the Union a right to reclaim fugitives from service was incorporated into the ordinance, and became a fundamental law over every foot of national territory. What was the policy indicated by this action by the fathers of the Republic? Was it that of indifferentism between slavery and freedom? that of establishing a geographical line, on one side of which there should be liberty, and on the other side slavery, both equally under the protection and countenance of the Government? No, sir; the furthest thing possible from that. It was the policy of excluding slavery from all national territory. It was adopted, too, under remarkable circumstances. The territory over which it was established was claimed by Virginia, in right of her charter, and in right of conquest. The gallant George Rogers Clarke, one of the bravest and noblest sons of that State, had, with a small body of troops, raised under her authority, invaded and conquered the territory. Slavery was already there under the French colonial law, and also, if the claim of Virginia was well founded, under the laws of that State. These facts prove that the first application of the original policy of the government converted slave territory into free territory.

Now, sir, what guarantees were given for the maintenance of this policy in time to come? I ouce, upon this floor, adverted to a fact, which has not attracted so much attention, in my judgment, as its importance deserves. It is this: While the Congress was framing this ordinance—almost the last act of its illustrious labors—the convention which framed the Constitution was sitting in Philadelphia. Several gentlemen were members of both bodies, and at the time this ordinance was adopted, no proposition in respect to slavery had been discussed in the convention, except that which resulted in the establishment of the three fifths clause. It is impossible to say, with absolute certainty, that the incorporation of that clause into the Constitution, which gave the slave States a representation for three fifths of their slaves, had anything to do with the unanimous vote by which the proviso was ingrafted upon the ordinance; but the coincidence is remarkable, and justifies the inference that the facts were connected. At all events, the proviso can hardly fail to have been regarded as affording a guarantee for the perpetuation of the policy which it established.

Already seven of the original thirteen States had taken measures for the abolition of slavery within their limits, and were regarded as free States. Six only of the original States were regarded as slave States. The ordinance provided for the creation of five new free States, and thus secured the decided ascendency of the free States in the Confederation. The perpetuation of slavery even in any State, it is quite obvious, was not then even thought of.

And now, sir, let me ask the attention of the Senate to the Constitution itself. That charter of our government was not formed upon proslavery principles, but upon anti-slavery principles. It nowhere recognizes any right of property in man. It nowhere confers upon the Government which it creates, any power to establish or to continue slavery. Mr. Madison himself records, in his Report of the Debates of the Convention, his own declaration, that it was "wrong to admit in the Constitution the idea that there could be property in men." Every clause in the Constitution which refers in any way to slaves speaks of them as persons, and excludes the idea of property. In some of the States, it is true, slaves were regarded as property.

The language of Mr. Justice McLean on this point is very striking. He says:

"That cannot divest them of the leading and controlling quality of persons by which they are designated in the Constitution. The character of property is given them by the local law. The law is respected, and all rights under it are protected by the Federal authorities. But the Constitution acts upon slaves as persons, and not as property."

Well, sir, not only was the idea of property in men excluded from the Constitution; not only was there no power granted to Congress to authorize or enable any man to hold another as property, but an amendment was afterwards ingrafted upon the Constitution, which especially denied all such power.

The history of that amendment is worth attention. The State which the Senator from Virginia so ably represents on this floor was one of those which immediately after the adoption of the Constitution proposed amendments of it. One of the amendments which she proposed was this:

"No freeman ought to be taken, imprisoned, or deprived of his freehold, liberties, or franchises, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land."

Did Congress adopt that amendment? No, sir; it adopted and proposed to the States a very different amendment. It was this:

"No person * * * shall be deprived of life, liberty, or property, without due process of law."

Now, sir, in my judgment, this prohibition was intended as a comprehensive guarantee of personal freedom, and denies absolutely to Congress the power of legislating for the establishment or maintenance of slavery. This amendment of itself, rightly interpreted and applied, would be sufficient to prevent the introduction of slaves into any territory acquired by the United States. At all events, taken in connection with the ordinance, and with the original provision of the Constitution, it shows conclusively the absence of all intention upon the part of the founders of the Government to afford any countenance or protection to slavery outside of State limits. Departure from the true interpretation of the Constitution has created the necessity for positive prohibition.

My general view upon this subject is simply this: Slavery is the subjection of one man to the absolute disposal of another man by force. Master and slave, according to the principles of the Declaration of Independence, and by the law of nature, are alike men, endowed by their Creator with equal rights. Sir, Mr. Pinkney was right, when, in the Maryland House of Delegates, he exclaimed, "By the eternal principles of justice, no man in the State has a right to hold his slave for a single hour." Slavery then exists nowhere by the law of nature. Wherever it exists at all, it must be through the sanction and support of municipal or State legislation.

Upon this state of things the Constitution acts. It recognizes all men as persons. It confers no power, but, on the contrary, expressly denies to the Government of its creation all power to establish or continue slavery. Congress has no more power under the Constitution to make a slave than to make a king; no more power to establish slavery than to establish the Inquisition.

At the same time the Constitution confers no power on Congress; but on the contrary, denies all power to interfere with the internal policy of any State sanctioned and established by its own Constitution and its own legislation, in respect to the personal relations of its inhabitants. The States under the Constitution, are absolutely free from all interference by Congress in that respect, except, perhaps, in the case of war or insurrection; and may legislate as they please within the limitations of their own constitutions. They may allow slavery if they please, just as they may license other wrongs. But State laws, by which slavery is allowed and regulated, can operate only within the limits of the State, and can have no extra-territorial effect.

Sir, I could quote the opinions of southern judges *ad infinitum*, in support of the doctrine that slavery is against natural right, absolutely dependent for existence or continuance upon State legislation. I might quote the scornful rejection by Randolph of all aid from the General Government to the institution of slavery within the States. I might quote the decision of the celebrated Chancellor Wythe, of Virginia—overruled afterwards, I know, in the Court of Appeals—that slavery was so against justice, that the presumption of freedom must be allowed in favor of every alleged slave suing for liberty, and that the onus of proving the contrary rested upon the master.

I think I have now shown that the Ordinance of 1787, and the Constitution of the United States, were absolutely in harmony one with the other; and that if the ordinance had never been adopted, the Constitution itself properly interpreted, and administered, would have excluded slavery from all newly-acquired territory. But, sir, whatever opinion may be entertained in respect to the interpretation of the Constitution which I defend, one thing is absolutely indisputable, and that is, that it was the original policy of the country to exclude slavery from all national territory.

That policy was never departed from until the year 1790, when Congress accepted the cession, of what is now Tennessee, from North Carolina. But did the acceptance of that cession indicate any purpose of establishing a geographical line between slavery and freedom? Why, sir, on the contrary, the State of North Carolina, aware that in the absence of any stipulation to the contrary, slavery would be prohibited in the ceded territory, in pursuance of the established policy of the Government, introduced into her deed of cession an express provision, that the anti-slavery article of the ordinance of 1787 should not be applied to it. It may be said that Congress should have refused to accept the cession. I agree in that opinion. But slavery already existed in the district as part of the State of North Carolina, and it was probably thought unreasonable to deny the wish of the State for its continuance.

The same motives decided the action of Georgia in making her cession of the territory between her western limits and the Mississippi, and the action of Congress accepting it. The acceptance of both these cessions, as well as the adoption and reenactment by Congress of the slave laws of Maryland for the District of Columbia, were departures from original policy; but they indicated no purpose to establish any geographical line. They were the result of the gradually increasing indifference to the claims of freedom, plainly perceivable in the history of the country after the adoption of the Constitution. Luther Martin had complained in 1788, that "when our own liberties were at stake we warmly felt for the common rights of man. The danger being thought to be passed which threatened ourselves, we are daily growing more and more insensible to those rights." It was this growing insensibility which led to these departures from original policy. Afterwards, in 1803, Louisiana was acquired from France. Did we then hasten to establish a geographical line? No, sir. In Louisiana, as in the territories acquired from Georgia and North Carolina, Congress refrained from applying the policy of 1787; Congress did not interfere with existing slavery; Congress contented itself with enactments prohibiting absolutely, the introduction of slaves from beyond the limits of the United States; and also prohibiting their introduction from any of the States, except by *bona fide* owners, actually removing to Louisiana for settlement. When Louisiana was admitted into the Union, in 1812, no restriction was imposed upon her in respect to slavery. At this time, there were slaves all along up the west bank of the Mississippi as far as St. Louis, and perhaps even above.

In 1818 Missouri applied for admission into the Union. The free States awoke to the danger of the total overthrow of the original policy of the country. They saw that no State could take measures for the abolition of slavery since the adoption of the Constitution. They saw it in the feeble attempt to restrict the introduction of slaves into the territories acquired from Georgia and from France had utterly failed. They insisted, therefore, that in the formation of a constitution, the people of the proposed State should embody in it a provision for the gradual abolition of the existing slavery, and prohibiting the further introduction of slaves. By this time the slave interest had become strong, and the slave power was pretty firmly established. The demand of the free States was vehemently contested. A bill preparatory to the admission of Missouri, containing the proposed restriction, was passed by the House and sent to the Senate. In that body the bill was amended by striking out the restriction; the House refused to concur in the amendment; the Senate insisted upon it, and the bill failed. At the next session of Congress the controversy was renewed In the meantime Maine had been severed from Massachusetts, had adopted a Constitution, and had applied for admission into the Union. A bill providing for her admission passed the House, and was sent to the Senate. This bill was amended in the Senate by tacking to it a bill for the admission of Missouri, and by the addition of a section prohibiting slavery in all the territory acquired by Louisiana north of 36° 30'. The House refused to concur in these amendments, and the Senate asked for a committee of conference, to which the House agreed. During the progress of these events, the House, after passing the Maine bill, had also passed a bill for the admission of Missouri, embodying the restriction upon slavery in the State. The Senate amended the bill by striking out the restriction, and by inserting the section prohibiting slavery north of 36° 30'.

This section came from the South, through Mr. Thomas, a Senator from Illinois, who had uniformly voted with the slave States against all restriction. It was adopted on the 17th of February, 1820, as an amendment to the Maine and Missouri bill, by 34 ayes, against 10 noes.*

Mr. HUNTER. I think that the provision passed without a division in the Senate.

Mr. CHASE. The Senator is mistaken. Fourteen Senators from the slave States, and twenty from the free States voted for that amendment. Eight from the former, and two from the latter voted against it. No vote by ayes and noes was taken when the same amendment was engrafted upon the separate Missouri bill, a few days later, the sense of the Senate having been ascertained by the former vote.

This was the condition of matters when the committee of conference, for which the Senate had asked, made their report. The members of the committee from the Senate were, of course, favorable to the Senate amendments. In the House, the Speaker, HENRY CLAY, was also in favor of them, and he had the appointment of the committee. Of course he took care, as he has since informed the country, to constitute the committee in such manner and of such persons as would be most likely to secure their adoption. The result was what might have been expected. It recommended that the Senate should recede from its amendments to the Maine bill, and that the House should concur in the amendments to the Missouri bill. Enough members from the free States were found to turn the scale against the proposed restriction of slavery in the State; and the amendment of the Senate striking it out was concurred in by ninety yeas against eighty-seven nays. From this moment successful opposition to the introduction of Missouri with slavery was impossible. Nothing remained but to determine the character of the residue of the Louisiana acquisition; and the amendment prohibiting slavery north of 36° 30' was concurred in by one hundred and thirty-four yeas against forty-two nays. Of the yeas, thirty-eight were from slave and ninety-six from free States; of the nays, thirty-seven were from slave States and five from free. Among those who voted with the majority was Mr. LOWNDES, of South Carolina, whose vote, estimated by the worth and honor of the man, outweighs many opposites.

Now, for the first time, was a geographical line established between slavery and freedom in this country.

Let us pause, and ascertain upon what principle this compromise was adopted, and to what territory it applied. The controversy was between the two great sections of the Union. The subject was a vast extent of almost unoccupied country, embracing the whole territory west of the Mississippi. It was territory in which slave law existed at the time of acquisition. The compromise section contained no provision allowing slavery south of 36° 30'. It could never have received the sanction of Congress if it had. The continuance of slavery there was left to the determination of circumstances. There was, probably, an implied understanding that Congress should not interfere with the operation of those circumstances—and that was all. The prohibition north of 36° 30' was absolute and perpetual. The act in which it was contained was submitted by the President to his Cabinet, for their opinion upon the constitutionality of that prohibition. CALHOUN, CRAWFORD, and WIRT were members of that Cabinet. Each, in a written opinion, affirmed its constitutionality, and the act received the sanction of the President. Thus we see that the parties to the arrangement were the two sections of the country—the free States on one side, the slave States on the other. The subject of it was, the whole territory west of the Mississippi, outside of the state of Louisiana; and the practical operation of it was, the division

* The vote was as follows:

AYES—Messrs. Morrill and Parrot, of New Hampshire; Mellen and Ottis, of Massachusetts; Dana and Lanman, of Connecticut; Burrill and Hunter, of Rhode Island; Palmer and Tichenor, of Vermont; King and Sanford, of New York; Dickerson and Wilson, of New Jersey; Lowrie and Roberts, of Pennsylvania; Ruggles and Trimble, of Ohio; Horsey and Van Dyke, of Delaware; Lloyd and Pinkney, of Maryland; Stokes, of North Carolina; Johnson and Logan, of Kentucky; Eaton and Williams, of Tennessee; Brown and Johnson, of Louisiana; Leake, of Mississippi; King and Walker, of Alabama: Edwards and Thomas, of Illinois.

NOES—Messrs. Noble and Taylor, of Indiana; Barbour and Pleasants, of Virginia; Macon, of North Carolina; Gaillard and Smith, of South Carolina; Elliott and Walker, of Georgia; and Williams, of Mississippi.

of this territory between the institution of slavery and the institution of freedom.

The arrangement was proposed by the slave States. It was carried by their votes. A large majority of southern Senators voted for it; a majority of southern Representatives voted for it. It was approved by all the southern members of the Cabinet, and received the sanction of a southern President. The compact was embodied in a single bill containing reciprocal provisions. The admission of Missouri with slavery, and the understanding that slavery should not be prohibited by Congress south of 36° 30', were the considerations of the perpetual prohibition north of that line. And that prohibition was the consideration of the admission and the understanding. The slave States received a large share of the consideration coming to them, paid in hand. Missouri was admitted without restriction by the act itself. Every other part of the compact, on the part of the free States, has been fulfilled to the letter. No part of the compact on the part of the slave States has been fulfilled at all, except the admission of Iowa, and the organization of Minnesota; and now the slave States propose to break up the contract without the consent and against the will of the free States, and upon a doctrine of supersedure which, if sanctioned at all, must be inevitably extended so as to overthrow the existing prohibition of slavery in all the organized Territories.

Let me read to the Senate some paragraphs from Niles's Register, published in Baltimore, March 11, 1820, which show clearly what was then the universal understanding in respect to this arrangement.

"The territory north of 36° 30' is '*forever*' forbidden to be peopled with slaves, except in the State of Missouri. The right, then, to inhibit slavery in any of the Territories is clearly and completely acknowledged, and it is conditioned as to some of them, that even when they become *States*, slavery shall be '*forever*' prohibited in them. There is no hardship in this. The Territories belong to the United States, and the Government may rightfully prescribe the terms on which it will dispose of the public lands. This great point was agreed to in the Senate, 33 votes to 11; and in the House of Representatives by 134 to 42, or really 139 to 37. And we trust that it is determined '*forever*' in respect to the countries now subject to the legislation of the General Government."

I ask Senators particularly to mark this:

"It is true the compromise is supported only by the letter of the law, repealable by the authority which enacted it; but the circumstances of the case give to this law a *moral* force equal to that of a positive provision of the Constitution; and we do not hazard anything by saying that the Constitution exists in its observance. Both parties have sacrificed much to conciliation. We wish to see the *Compact* kept in good faith, and we trust that a kind Providence will open the way to relieve us of an evil which every good citizen deprecates as the supreme curse of the country."

That, sir, was the language of a Marylander, in 1820. It expressed the universal understanding of the country. Here then is a compact, complete, perfect, irrepealable, so far as any compact, embodied in a legislative act, can be said to be irrepealable. It had the two sections of the country for its parties, a great Territory for its subject, and a permanent adjustment of a dangerous controversy for its object. It was forced upon the free States. It has been literally fulfilled by the free States. It is binding, indeed, only upon honor and conscience: but, in such a matter, the obligations of honor and conscience must be regarded as even more sacred than those of constitutional provisions.

Mr. President, if there was any principle which prevailed in this arrangement, it was that of permitting the continuance of slavery in the localities where it actually existed at the time of the acquisition of the territory, and prohibiting it in the parts of territory in which no slaves were actually held. This was a wide departure from the original policy, which contemplated the exclusion of slavery from territories in which it actually existed at the time of acquisition. But the idea that slavery could ever be introduced into free territory, under the sanction of Congress, had not, as yet, entered into any man's head.

Mr. President, I shall hasten to a conclusion. In 1848 we acquired a vast territory from Mexico. The free States demanded that this territory, free when acquired, should remain free under the Government of the United States. The Senator from Illinois tells us that he proposed the extension of the Missouri compromise line through this territory, and he complains that it was rejected by the votes of the free States. So it was. And why? Because the Missouri compromise applied to territory in which slavery was already allowed. The Missouri prohibition exempted a portion of this territory, and the larger portion, from the evil. It carried out, in respect to that, the original policy of the country. But the extension of that line through the territory acquired from Mexico, with the understanding which the Senator from Illinois and his friends attached to it, would have introduced slavery into a vast region in which slavery, at the time of acquisition, was not allowed. To agree to it would have been to reverse totally the original policy of the country and to disregard the principle upon which the Missouri compromise was based.

It is true that when the controversy in respect to this territory came to a conclusion, the provisions of the acts by which territorial governments were organized, were in some respects worse than that proposition of the Senator. While those bills professed to leave the question of slavery or no slavery in the Territories, unaffected by their provisions, to judicial decision, they did, nevertheless, virtually decide the question for all the territory covered by them, so far as legislation could decide it, against freedom. California, indeed, was admitted as a free State; and by her admission the scheme of extending a line of slave States to the Pacific was, for the time, defeated. The principle upon which northern friends of the territorial compromise acts vindicated their support of them was this: Slavery is prohibited in these Territories by Mexican law;—that law is not repealed by any provision of the acts;—indeed, said many of them, slavery cannot exist in any Territory, except in virtue of a positive act of Congress;—no such act allows slavery there;—there is no danger, therefore, that any slaves will be taken into the Territory. Southern supporters of the measure sustained them upon quite opposite grounds. Under the provisions of the Federal Constitution, they said, the slaveholder can hold his slaves in any Territory in spite of any prohibition of a Territorial Legislation, or even of an act of Congress. The Mexican law forbidding slavery was abrogated at the moment of acquisition by the operation of the

Constitution. Congress has not undertaken to impose any prohibition. We can, therefore, take our slaves there, if we please.

The committee tell us that this question was left in doubt by the Territorial bills.

What, then, was the principle, if any, upon which this controversy was adjusted? Clearly this: That when free territory is acquired, that part of it which is ready to come in as a free State shall be admitted into the Union, and that part which is not ready shall be organized into territorial governments, and its condition in respect to slavery or freedom shall be left in doubt during the whole period of its Territorial existence.

It is quite obvious, Mr. President, how very prejudicial such a doubt must be to the settlement and improvement of the territory. But I must not pause upon this.

The truth is, that the Compromise acts of 1850 were not intended to introduce any principle of territorial organization applicable to any other Territory except that covered by them. The professed object of the friends of the compromise acts was to compose the whole slavery agitation. There were various matters of complaint. The non-surrender of fugitives from service was one. The existence of slavery and the slave trade here in this District and elsewhere, under the exclusive jurisdiction of Congress was another. The apprehended introduction or prohibition of slavery in the Territories, furnished other grounds of controversy. The slave States complained of the free States, and the free States complained of the slave States. It was supposed by some that this whole agitation might be stayed, and finally put at rest by skilfully adjusted legislation. So, sir, we had the omnibus bill, and its appendages, the fugitive slave bill, and the District slave trade supression bill. To please the North — to please the free States—California was to be admitted, and the slave depôts here in the District were to be broken up. To please the slave States, a stringent fugitive slave act was to be passed, and slavery was to have a chance to get into the new Territories. The support of the Senators and Representatives from Texas was to be gained by a liberal adjustment of boundary, and by the assumption of a large portion of their State debt. The general result contemplated was a complete and final adjustment of all questions relating to slavery. The acts passed. A number of the friends of the acts signed a compact, pledging themselves to support no man for any office who would in any way renew the agitation. The country was required to acquiesce in the settlement as an absolute finality. No man concerned in carrying those measures through Congress, and least of all the distinguished man whose efforts mainly contributed to their success, ever imagined that in the Territorial acts, which formed a part of the series, they were planting the germs of a new agitation. Indeed, I have proved that one of these acts contains an express stipulation which precludes the revival of the agitation in the form in which it is now thrust upon the country, without manifest disregard of the provisions of those acts themselves.

I have thus proved beyond controversy that the overment of the bill, which my amendment proposes to strike out, is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the compromise acts? Will you here, acting under your high responsibility as Senators of the States, assert as fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of these compromise acts disproves? I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri compromise, transferred into the joint resolution for the annexation of Texas, preserved and affirmed by these compromise acts themselves, do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not "declare" it "inoperative," "because superseded by the principles of the legislation of 1850."

Mr. President, three great Eras have marked the history of this country in respect to slavery. The first may be characterized as the Era of ENFRANCHISEMENT. It commenced with the earliest struggles for national independence. The spirit which inspired it animated the hearts and prompted the efforts of Washington, of Jefferson, of Patrick Henry, of Wythe, of Adams, of Jay, of Hamilton, of Morris, in short, of all the great men of our early history. All these hoped—all these labored for—all these believed in the final deliverance of the country from the curse of slavery. That spirit burned in the Declaration of Independence, and inspired the provisions of the Constitution, and the Ordinance of 1787. Under its influence, when in full vigor, State after State provided for the emancipation of the slaves within their limits, prior to the adoption of the Constitution. Under its feebler influence at a later period, and during the administration of Mr. Jefferson, the importation of slaves was prohibited into Mississippi and Louisiana, in the faint hope that those territories might finally become free States. Gradually that spirit ceased to influence our public councils, and lost its control over the American heart and the American policy. Another Era succeeded, but by such imperceptible gradations that the lines which separate the two cannot be traced with absolute precision. The facts of the two Eras meet and mingle as the currents of confluent streams mix so imperceptibly that the observer cannot fix the spot where the meeting waters blend.

This second Era was the Era of CONSERVATISM. Its great maxim was to preserve the existing condition. Men said, Let things remain as they are; let slavery stay where it is; exclude it where it is not; refrain from disturbing the public quiet by agitation: adjust all differences that arise, not by the application of principles, but by compromises.

It was during this period that the Senator tells us that slavery was maintained in Illinois, both while a Territory, and after it became a State, in despite of the provisions of the ordinance. It is true, sir, that the slaves held in the Illinois country, under the French law, were not regarded as absolutely emancipated by the provisions of the ordinance. But full effect was given to the ordinance in excluding the introduction of slaves, and thus the Territory was preserved from eventually

becoming a slave State. The few slaveholders in the Territory of Indiana, which then included Illinois, succeeded in obtaining such an ascendency in its affairs, that repeated applications were made not merely by conventions of delegates but by the Territorial Legislature itself, for a suspension of the clause in the ordinance prohibiting slavery. These applications were reported upon by John Randolph, of Virginia, in the House, and by Mr. Franklin in the Senate. Both the reports were against suspension. The grounds stated by Randolph are specially worthy of being considered now. They are thus stated in the report:

"That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.

Sir, these reports, made in 1803 and 1807, and the action of Congress upon them, in conformity with their recommendation, saved Illinois, and perhaps Indiana, from becoming slave States. When the people of Illinois formed their State constitution, they incorporated into it a section providing that neither slavery nor involuntary servitude should be hereafter introduced into the State. The constitution made provision for the continued service of the few persons who were originally held as slaves, and then bound to service under the territorial laws, and for the freedom of their children, and thus secured the final extinction of slavery. The Senator thinks that this result is not attributable to the ordinance. I differ from him. But for the ordinance, I have no doubt slavery would have been introduced into Indiana, Illinois, and Ohio. It is something to the credit of the Era of Conservatism, uniting its influences with those of the expiring Era of Enfranchisement, that it maintained the ordinance of 1787 in the northwest.

The Era of CONSERVATISM passed also by imperceptible gradations into the Era of SLAVERY PROPAGANDISM. Under the influences of this new spirit we opened the whole territory acquired from Mexico, except California, to the ingress of slavery. Every foot of it was covered by a Mexican prohibition; and yet, by the legislation of 1850, we consented to expose it to the introduction of slaves. Some, I believe, have actually been carried into Utah and New Mexico. They may be few, perhaps, but a few are enough to affect materially the probable character of their future governments. Under the evil influences of the same spirit, we are now called upon to reverse the original policy of the republic; to subvert even a solemn compact of the conservative period, and open Nebraska to slavery.

Sir, I believe that we are upon the verge of another Era. That Era will be the Era of REACTION. The introduction of this question here, and its discussion, will greatly hasten its advent. We, who insist upon the denationalization of slavery, and upon the absolute divorce of the General Government from all connection with it, will stand with the men who favored the compromise acts, and who yet wish to adhere to them in their letter and in their spirit, against the repeal of the Missouri prohibition. You may, however, pass it here. You may send it to the other house. It may become a law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure, except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within State limits, and excluding it absolutely from the whole sphere of federal jurisdiction. The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may, perhaps, consume those who kindle it.

I cannot believe that the people of this country have so far lost sight of the maxims and principles of the Revolution, or are so insensible to the obligations which those maxims and principles impose, as to acquiesce in the violation of this compact. Sir, the Senator from Illinois tells us that he proposes a final settlement of all territorial questions in respect to slavery, by the application of the principle of popular sovereignty. What kind of popular sovereignty is that which allows one portion of the people to enslave another portion? Is that the doctrine of equal rights? Is that exact justice? Is that the teaching of enlightened, liberal, progressive Democracy? No, sir; no! There can be no real democracy which does not fully maintain the rights of man, as man. Living, practical, earnest democracy imperatively requires us, while carefully abstaining from unconstitutional interference with the internal regulations of any State upon the subject of slavery, or any other subject, to insist upon the practical application of its great principles in all the legislation of Congress.

I repeat, sir, that we who maintain these principles will stand shoulder to shoulder with the men who, differing from us upon other questions, will yet unite with us in opposition to the violation of plighted faith contemplated by this bill. There are men, and not a few, who are willing to adhere to the compromise of 1850. If the Missouri prohibition which those Compromise Acts incorporate and preserve among their own provisions, shall be repealed, abrogated, broken up, thousands will say, Away with all compromises; they are not worth the paper on which they are printed; we will return to the old principles of the Constitution. We will assert the ancient doctrine, that no person shall be deprived of life, liberty, or property, by the legislation of Congress, without due process of law. Carrying out that principle into its practical applications, we will not cease our efforts until slavery shall cease to exist wherever it can be reached by the constitutional action of the Government.

Sir, I have faith in Progress. I have faith in Democracy. The planting and growth of this nation, upon this western continent, was not an accident. The establishment of the American Government, upon the sublime principles of the Declaration of Independence, and the organization of the union of these States, under our existing Constitution, was the work of great men, inspired by great ideas, guided by Divine Providence. These men, the Fathers of the Republic, have be-

queathed to us the great duty of so administering the Government which they organized, as to protect the rights, to guard the interests, and promote the well-being of all persons within its jurisdiction, and thus present to the nations of the earth a noble example of wise and just self-government, sir, I have faith enough to believe that we shall yet fulfil this high duty. Let me borrow the inspiration of MILTON, while I declare my belief that we have yet a country "not degenerated nor drooping to a final decay, but destined, by casting off the old and wrinkled skin of corruption, to outlive these pangs, and wax young again. AND, ENTERING THE GLORIOUS WAYS OF TRUTH AND PROSPEROUS VIRTUE, BECOME GREAT AND HONORABLE IN THESE LATTER AGES. Methinks I see in my mind a great and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and *kindling her undazzled eyes* AT THE FULL MID-DAY BEAM; *purging and scaling her long-abused sight* AT THE FOUNTAIN ITSELF OF HEAVENLY RADIANCE; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms."

Sir, we may fulfill this sublime destiny if we will but faithfully adhere to the great maxims of the Revolution; honestly carry into their legitimate practical applications the high principles of Democracy; and preserve inviolate plighted faith and solemn compacts. Let us do this, putting our trust in the God of our fathers, and there is no dream of national prosperity, power and glory, which ancient or modern builders of ideal commonwealths ever conceived, which we may not hope to realize. But if we turn aside from these ways of honor, to walk in the by-paths of temporary expedients, compromising with wrong, abetting oppression, and repudiating faith, the wisdom and devotion and labors of our fathers will have been all—all in vain.

Sir, I trust that the result of this discussion will show that the American Senate will sanction no breach of compact. Let us strike from the bill that statement which historical facts and our personal recollections disprove, and then reject the whole proposition which looks toward a violation of the plighted faith and solemn compact which our fathers made, and which we, their sons, are bound by every tie of obligation sacredly to maintain.

SPEECH OF THE HON. BENJAMIN F. WADE, OF OHIO,

IN THE SENATE, FEB. 6, 1854.

The Senate having under consideration the bill to organize the Territories of Nebraska and Kansas, the pending question being on the amendment of Mr. CHASE to strike out from section 14 the words:

"was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and —"

So that the clause will read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative."

Mr. WADE said: Mr. President, it is not without embarrassment that I rise to debate any question in the Senate of the United States, for it is well known that I lay no claims to being a debater of general measures that come under consideration. I have generally contented myself with the less ostentatious, but perhaps not less useful, duty of endeavoring to inform myself upon every question that presents itself, and attending to the affairs of the committees to which I belong, leaving others to debate such questions as may from time to time arise. But on the present occasion, sir, I should be doing violence to my own feelings, and I should be recreant in the duty which I owe to the great State which I in part represent, if I did not rise here, and endeavor, with what feeble powers I possess, to stay the progress of the measure now under consideration; for, in my judgment, there never has been a measure of more serious import to the people of the United States. I hope it will be debated by abler men than myself; I hope the enormities of the proposition will be set forth in colors that cannot be misunderstood here or elsewhere; for it involves a question of good faith which in my judgment, is material to the perpetuation of the union of these States. It can involve a no less consideration; for I do not believe, after such an act of perfidy committed in any section of the country, or by all sections of the country, that this Union can long survive it.

I can remember when the Missouri compromise was entered into. I have some recollection of that period, though I was then a very young man, and I can remember how anxiously the people of that part of the country to which I belong looked to the progress of that question through Congress. I remember the fearful struggle that took place between the different sections of the country, and how anxious our forefathers were lest it should prove utterly disastrous to the union of the States which they then cherished. That was some thirty-four years ago; and the Missouri compromise has been regarded, so far as I know, from that time to this, as having a character not much less important or sacred than that of the Constitution itself. During all that period of time until the present, I have not known a man bold enough to come forward and question its propriety, or move its repeal. And why is that movement made now? When I came to this Congress, I little thought that such a question would be precipitated upon the people. We passed through a sectional excitement, which some believed endangered the union of these States, in 1850. I had no serious apprehensions of that time; but many good men—many eminent statesmen, thought there was danger. The excitement, however, subsided, and good feeling was restored between all sections. A time of peace, we were told, had come; and for the four last years I have heard but little else from the political press than that these dangerous, difficult, and delicate questions had been all settled, to the mutual satisfaction of everybody, and were to be concurred in and abided by at all hazards. They were to be a finality; and were not to be questioned, here or elsewhere. In this all the government organs concurred; and from day to day, I believe, all such papers have set forth the glories of the compromise of 1850, and hurled anathemas at any that should question its propriety in any particular.

Why is it, then, that at this time it is not only called in question, but a more sacred compromise, that lies far back, is called up and questioned, that it may be annulled? What has transpired? What new light has burst forth upon the people of the United States, that they come forward at this time and demand this great and hazardous measure? I should like to hear from the chairman of the Committee on Territories what new light has burst on these United States that requires this new clause in the bill which he reported? We all know that it is not a year since a bill to establish a territorial government in Nebraska passed very quietly through the House of Representatives, and came into this body; and that when the time of the Congress was cut short by the Constitution, the chairman of the committee was on his feet urging the Senate, at the top of his voice, to pass that bill. Did it occur to him then that the legislation of 1850 had superseded and annulled the great compromise of 1820? I heard no such statement at that time; but I heard the President of this body, the honorable Senator from Missouri, [Mr. ATCHISON,] who lives in that section of the country, in his own person taking the benefit of that compromise. I recollect very well what he said upon the subject,

and no man could be more vigilant than he was to find some crevice through which he could escape from the compromise. But he told you that he had considered it well; he told you that he had looked all around it, and he said he saw that it was all wrong. He affirmed that he had committed two great errors; first, when we permitted the ordinance of 1787 to be applied, and, secondly, when the Missouri compromise was passed; but he said these things are done, they are facts that are irremediable, and they must stand. I submit to them, for there is no getting out of them, and therefore I am willing to pass the bill.

I ask again, then, what new light has sprung up? I heard all that the chairman of the committee had to say on that subject, but I am still in darkness. Then why, sir, I again ask, has he introduced a clause which is calculated to excite the Union to madness? Can any reason be given for it that did not exist on the 4th of March last, when he was urging us to pass the bill without the exceptionable clause? No sir; no sir. If any such reason exists he has failed to tell us what it is. Whence shall we seek for knowledge, since the committee has failed to enlighten us? If no reason can be given, we may ask what motive could prompt a step so hazardous? When men will not frankly disclose their motives, we are driven to an examination of their conduct; and we seek to satisfy our craving for knowledge by tracking out the manner in which they have arrived at their conclusions. If there had been any reason that would bear the light for the clause which is now exciting so much attention, might we not reasonably have expected to find it in the deliberate report that the committee had given us?

Mr. President, this conspiracy to overturn this old time-honored compromise, this old guarantee of liberty, is not yet six weeks old. It has been hatched somewhere within that time. I am not going to look back into the history of the opinions of the chairman of the committee, for I know that they have been exceedingly mutable. I know, at Chicago, some years ago, he preached a doctrine not precisely in accordance with what he has lately preached here. But that is entirely unimportant. I do not now pretend to show what his opinions are or have been; but here we have the authentic account of opinions, that some Senators entertained at the time the report was made.

Before I quote from this document, may I be permitted to ask whether they believed, at the time they made that report, that the legislation of 1850 superseded the old compromise of 1820? Did any such idea enter into their imagination? No, sir; not at all. They placed the bill that they then reported upon entirely different grounds; and although they had occasion to remark upon this same question, they said it was an important and delicate one, that eminent statesmen had not dared to touch, and they would not do it. That is the sense and spirit of what is contained in the report of the committee. They say, on these subjects:

"They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

That, Mr. President, is what the committee thought about four weeks ago. They had no doubt deliberated upon this subject, and in this report we have the joint wisdom of the whole committee embodied, so far as we know, for I have heard no dissent from it. They reported a bill in accordance with that opinion; and is it not strange, unaccountably strange, that these experienced gentlemen, statesmen and Senators should have entirely changed their ground, and assigned no reason for the change? Within less than twenty days afterwards they get the bill recommitted to themselves, but they have made no additional report. They do not tell us why they have changed their minds, or that any extraordinary occurrence has authorized the change which has been made in the amended bill, which now contains the very provisions which they before stated they carefully refrained from touching. But, sir, notwithstanding their extraordinary silence, they have discovered that the legislation of 1850 had, in some mysterious manner, superseded the most stern and stubborn law of Congress, which was formed upon a compromise as sacred as could be made between conflicting sections of this Union, and concurred in on all hands for at least one-third of a century; and yet they flippantly tell us that it is all overturned, all superseded by the compromise legislation of 1850, and hence they embodied this provision in their bill, and ask for its passage. Now, as a lawyer, I hardly know what a man means when he tells me that an act of legislation is superseded by a principle. I thought it took an act of Congress to repeal, or annul, or suspend, a former act. I did not understand how that could be done by a principle. I do not know, however, but there may be some new means discovered by which a stubborn law of Congress—one of the most solemn acts of legislation, hardly less solemn than the Constitution of the United States itself—may be annulled, and repealed, and suspended, by a principle which some gentlemen pretend to have found in the legislation of 1850, called "the compromise;" legislation in which not a single principle can be made out, as I will attempt, very soon, to show.

Mr. DOUGLAS. I can save the gentleman the necessity of arguing upon a point upon which he is evidently laboring under a misapprehension. I stated distinctly, the other day, that my position was: That so far as the country covered by the Missouri compromise was embraced within the limits of Utah and New Mexico, the acts of 1850, in regard to those Territories, rendered the Missouri compromise inoperative, and that, so far as the territory covered by the Missouri compromise was not embraced in those acts, it was superseded by the great principle then established. In other words, I contend that by the acts of 1850 a great principle of self-government was substituted for a geographical line; and hence, by the use of the words "superseded by," I mean which was "inconsistent with" the compromise of 1850. If the gentleman prefers the words "inconsistent with,"

I will put them in with a great deal of pleasure, and that will avoid all the trouble in regard to the use of the word "supersede."

Mr. WADE. The Senator made a very simple declaration in his speech upon this point, and I have it here. After all the verbiage of the speech of the honorable Senator from Illinois, it is summoned up finally in one idea, and he says so himself. He says upon this point:

"Sir, in order to avoid any misconstruction, I will state more distinctly what my precise idea is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles which would avoid the slavery agitation at all time to come. Was our object simply to provide for a temporary evil?" &c.

That, he says, was his precise idea. It was that the Missouri compromise was annulled to the extent to which Congress, in running the boundary lines of New Mexico and Utah, might take for the sake of convenience any little piece of territory which was covered by the Missouri compromise. That certainly was a truism; but the idea that the acts to organize Utah and New Mexico repealed or superseded the Missouri compromise as to the remainder of the territory acquired by the Louisiana cession, is an idea from which I am glad to see that the gentleman now recedes.

Mr. DOUGLAS. Not at all.

Mr. WADE. Well, the Senator says he does not recede from his former position. What does he mean, then, by saying that the Missouri compromise was superseded by the principles of the compromise measures of 1850? Suppose you run a line with your neighbor, and the line has become uncertain, and in order to straighten it you run another, and in running this other line may possibly take in a little land that belonged to him, or you may leave out a little belonging to yourself; but you make a line, and then after you straighten it, if you find you entered wrongfully on his land, the principles of running that line superseded his title to the balance, and therefore you can lay title to the whole of his land, if I understand the gentleman; for he says he does not recede from the position taken in his bill—not in his report, for it is said there he never would give such an opinion. He informed us, in the report, that there was a matter too grave even for Congress to decide, and much too grave for a committee, and therefore they would not do it; and yet in nineteen days afterwards they come in with what is equivalent to a total repeal of the compromise.

Now, Mr. President, I want to know if that act was superseded, if that legislation was inconsistent with this, or if it furnished any occasion—when all sections of the country are at peace, when everything is progressing to the satisfaction of all, and a state of entire good feeling between all sections happens to exist, for throwing a firebrand in here at this time? I know not what the motive can be. I care but little what it is. The deleterious effects of this attempt to repeal that compromise will be felt, not only now, but long after the present generation are in their graves.

I will not answer for the consequences of the legislation of this day, sir; but I anxiously desire to inquire if nothing can be established in this Government? Is there nothing too sacred to be overhauled for some miserable party or other purpose?

Who was it that had the settlement of the Missouri compromise at the time it was made? Was it done by statesmen inferior to those of the present generation? I think not; for there were giants in those days, as great as those of the present. There, sir, stood John C. Calhoun in the Cabinet, advising upon that act. There, too, was Mr. Crawford, and there was Mr. John Quincy Adams. I think that they might, with reasonable propriety, be adjudged to comprehend the work they were doing.

Again I say to my friends from the South, who with me have fought many a political battle shoulder to shoulder—though far distant from each other—who have triumphed in a mutual triumph—even though we failed to elect your great chief, [referring to Mr. CLAY,] when we attempted to elevate him, as he deserved, to the highest office in the world, that he, too, took part in this compromise, and I am mortified to see that his successors here are endeavoring to blot out the work that his patriotism had performed. Why, sir, he is scarcely in his grave before another generation comes up that knows not what he had done, and some even pretend that in what he himself did, in 1850, he seemed to concede that the compromise of 1820 was not to be lived up to. I was not here in 1850, but I have read the debates of that period, and have endeavored to inform myself on that subject; and I tell the gentlemen, notwithstanding all they may argue and all they may say on this subject, there is not a word, nor a syllable, that goes to indicate that any one supposed that anything was done then to overthrow the time-honored compromise of 1820. Not one word, sir; but on the contrary, if they could recur to this compromise, they indorsed it and reaffirmed it in 1850 beyond all gainsaying. No doubt of it. Sir, I was amazed when I heard the chairman of this committee stand forth here, and pretend that in some manner the legislation of 1850 had superseded the compromise of 1820, and that the Missouri line was blotted out, repudiated; when, on the contrary, so careful were they in all their legislation not to touch it at all, that they referred to it in terms, and reconfirmed and re-established it. I will not take up the time of the Senate by reading that provision, although I have it here, for I presume every one has read it. By the resolutions annexing Texas the Missouri compromise line was alluded to, and in terms maintained. The provision was, that in the territory above 36° 30′ there should be neither slavery nor involuntary servitude, except for the commission of crime. Those resolutions expressly referred to the line of 36° 30′ as the Missouri compromise line. Then to make assurance doubly sure, in the compromise bill organizing New Mexico, that legislation is referred to, and it is said there shall be nothing so construed as to impair that clause. So far, then, from overturning it, or superseding it in any possible way, they most deliberately turn their attention to it, and for fear any construction of the kind might be drawn, such as the Senator now sees fit to draw, they made a stern provision against it.

But, sir, I need not refer further to the speech of the Senator from Illinois. My colleague [Mr. CHASE,] so entirely pulverized that speech that there is not enough of it left upon which a man can possibly hang an idea. [Laughter.] In fact, there was nothing to begin with: and surely there is nothing left of it. It was a bare afterthought, permit me to say. After the report of the committee had been made, and the bill had been altered, it was necessary to get up some other reason or pretext than was set forth in the report, in order to show why it was proposed to repeal the Missouri compromise. I do not like to be uncharitable—I do not like to be compelled to argue in that way; but when I see these crooked tracks, what inference can I draw? Most assuredly, that the committee had no determinate, settled purpose as to the necessity of altering this compromise when they first reported. They had no good and sufficient reason to propose a repeal of it; for if they had they would have said so at once. Now, how are we to view this matter? Can we view it in any other light?

Here is a Territory large as an empire; as large, I believe, as all the free States together. It is pure as nature; it is beautiful as the garden of God. There is nothing now to prevent us doing with it what will minister to the best interests of the people now or hereafter. Our forefathers expressed their opinion as to what was best to be done with it. They believed it should be fenced up from the intrusion of this accursed scourge of mankind, human slavery. They have done this effectually in this Territory. Shall we undo their work? The southern States have had the benefit of the Missouri compromise, and I now appeal to my southern Whig friends whether we of the North did not pledge our constituents that you were honorable men; that you would stand by all the guarantees of the Constitution, and all the duties which properly devolve upon you; and that, above all, the chivalry of the South would never be attempted, by any fancied or real interest, to abandon the terms of any compact, when they had received the benefit on their side, and when its terms remain to be fulfilled by them.

This is a doctrine which I have frequently preached. My amazement was very great when I heard that any of these gentlemen were in council with the enemy. I feared that something had taken place which ought not to have taken place. I felt strong in heart to appeal to them against any fancied interest which they might conceive themselves to have, for their duty is plain and palpable. Did not our forefathers make a compact? Did they not make it after a fearful struggle which was dangerous to this Union. I say, was there not such a compact made? And in the whole history of our legislation, I appeal to you, has there ever been one more sacred or more binding upon you? Have you, southern Senators, not had the full benefit of it? Have you not enjoyed it now for thirty years? Has any northern man stepped forward to impair your rights in that compromise? No, sir, it is not pretended; and now the period is drawing near when that part of this great bargain which is beneficial to us at the North is approaching, and I call upon you as honorable men to fulfil it. Shrink not from it. Do not tell me that your constituents will not sanction you in doing what you know to be right. I believe that your constituents are honorable men. I believe they will understand the motives which impel you to do your duty, notwithstanding you might have some fancied influence the other way. The Senator from Kentucky [Mr. DIXON] told us that this came from the North, and therefore the South were absolved from their obligation. I must say I think you understand well that the North know nothing about this base conspiracy to betray them. When did it come up? Did you let it go before the people, that they might pass upon the question. Why, sir, in the Presidential election, triumphant as the Democracy were, I ask any gentleman of the North, suppose you had staked the election of Mr. Pierce upon this question, how many votes could he have secured in the North? Not one. You gave us no notice of any such thing. The people of the North, even now, do not know what nefarious projects are afoot here in the Capitol. You of the South are not absolved, because one or two men, very honorable men, stand forth here and say "I am ready to go in and make this monstrous proposition." Sir, in the days of the Revolution, Major Andre was hung by the neck until he was dead, for accepting a proposition not more base than this, which is a gross betrayal of the rights of the whole North. And yet that is the only reason which the Senator from Kentucky gives why he should vote for this bill. He will not pretend to tell us that he would abrogate and violate the great pledge which has been kept on the part of the North, unless northern men stood here authorized, as he thinks, to relieve them from that pledge. I tell him that they are not authorized to do any such thing. I tell him that those whose agents they are, know nothing about this, and do not know what treason to the North is hatching here.

My colleague stated the other day that it was a matter of fact, which everybody knew, that the peculiar interest which we had at the North to prevent slavery encroaching upon this great Territory, is, that the moment you cover it over with persons occupying the relation of master and slave, the freemen of the North cannot go there. He announced that great truth in this body. Gentlemen know it to be a truth, and they do not gainsay it. Gentlemen know that the high-minded free man of the North, although not blessed with property, has nevertheless a soul, and that he cannot stoop to labor side by side with your miserable serf. He has never done it—he never will do it. It was an unlucky word from the gentleman from Kentucky when he said, if he cannot labor in that way, let him go somewhere else. Is that the democracy of the Chairman of the Committee on Territories? Let him tell the yeomanry of Illinois—the hard-fisted laboring man of that great State—that this is the principle upon which he acts; that this Territory is to be covered over with slaves and with masters, and that his proud constituency are to go out there and work side by side, degrading themselves by working upon a level with your miserable slaves. Let him do so, and it is a declaration which I think will tingle in the ears of Democracy, and the people will come to understand that you are legislating for the privileged aristocracy of the South, to the exclusion of the whole North.

How is this? We are told that the slaveholder must go into this Territory. Why? Because, says the gentleman from Kentucky, it belongs to the States, and those who hold slaves have just as good a right to immigrate into it and take their property with them, as any other person has. Now, we have seen that these two interests are antagonistical; they cannot both stand together. If you take your slaves there, I tell you the proud laborer of the North, although he has no capital, except his ability to draw from the earth his support by honorable labor, will never consent to work side by side with your miserable serf and slave. Then, there being an antagonism between these two principles, which is greatest in numbers? According to the present census, all the slaveholders in the United States do not amount to four hundred thousand. What number of free laborers are there who ought to have the benefit of this great Territory? Probably fully thirteen millions are to be offset against about four hundred thousand. If you take any considerable number of slaves into this Territory, you as effectually blast and condemn it for all the purposes of free immigration as though you should burn it with fire and brimstone, as Sodom and Gomorrah were once consumed. Every man understands this.

Immigration does not go into slave States. Immigration cannot abide there. But is there any constitutional difficulty upon this subject? Senators from the South say they can go into this Territory and take their property with them. Now why should they be let in there with what they call their property? Am I obliged, as a member of the Government of the United States, to acknowledge your title to a slave? No, sir, never. Before I would do it, I would expatriate myself; for I am a believer in the Declaration of Independence. I believe that it was a declaration from Almighty God, that all men are created free and equal, and have the same inherent rights. But, thank God, the Government of the United States to which I belong does not anywhere compel any man to acknowledge the title of any person to a slave. If you own him, you own him by virtue of positive law in your own States, with which I have nothing to do, and with which I never have had anything to do. Sir, I hear the gentleman from South Carolina [Mr. BUTLER] talking to the Senator from Kentucky, [Mr. DIXON,] and I wish it to go forth that the gentleman from South Carolina says, why should not the free laborer work with the slave? Is he not his equal? Is that the opinion of the chairman of the committee?

Mr. DIXON. Will the Senator allow me to ask a question?

Mr. WADE. Yes, sir; and your associate, too, [Mr. BUTLER.]

Mr. DIXON. The Senator, if I understood him, said he was a believer in the Declaration of Independence, and in the doctrines of God, which declare that all men are equal. Does the Senator mean that the slave is equal to those free laborers that he speaks of in the North?

Mr. WADE. Go on.

Mr. DIXON. I desire him to answer that question.

Mr. WADE. Certainly; certainly. The slave, in my judgment, is equal to anybody else, but is degraded by the nefarious acts and selfishness of the master, who compels him, by open force and without right, to serve him alone. That, sir, is my doctrine. When you speak of equality before the law, or equality before the Almighty God, I do not suppose you [addressing himself to Mr. DIXON] stand one whit higher than the meanest slave you have. That is my judgment, and probably it is the judgment that you will understand in the last day, though you will not understand it before.

Mr. DIXON. Will the Senator allow me to ask another question?

Mr. WADE. Yes, sir; as many as you please.

Mr. DIXON. Does the Senator consider the free negroes in his State as equal to the free white people?

Mr. WADE. Yes. Why not equal? Do they not all have their life from Almighty God; do not they hold it of his tenure? When you speak of wealth, riches, and influence—if that is what you mean—they are generally poor, without influence, perhaps despised among us as well as with you; but that does not prevent that equality of which I speak. I say, in the language of the Declaration of Independence, that they were "created equal," and you have trampled them under foot, and made them apparently unequal by your own wrong. That is all there is of it. That is my doctrine. I do not go into the States, be it known; I never went there to ask any questions of you; but I believe your legislation is all wrong, and as wrong for you, even, as it is for your slaves; for when I contrast the prosperity of the States where this wrong and outrage is indulged in with the prosperity of those where the free and just principles of the North prevail, what is the manifestation of these principles upon the apparent welfare of the societies in which they prevail? This is a question which, if it were not involved in this controversy, I should not argue at all; for I do not wish to do anything which will excite ill feeling here; but I cannot shrink from anything that is pertinent to the issue. The question is whether, in that fair field, large as a continent, we shall now plant human slavery; or whether we shall leave it as our forefathers left it—fenced out forever hereafter. That brings up the whole question. If slavery is right—if it comports with the best interests of mankind, slavery unquestionably should be fostered, encouraged, and upheld by our legislation. I am with you there, if you will meet me upon that issue. If you will make it appear that your principle works better than ours, let us not only carry it into Nebraska, but let us carry it to the ends of the earth; let us send missionaries out to herald forth the blessings of human slavery, and introduce it into countries where it does not now exist, if you can find such. I am for doing the greatest good to mankind.

But how is this? Look at the Old Dominion herself. It is not more than sixty years ago, hardly has the age of one man passed away since the Old Dominion was a head and shoulders higher, in every particular, than any State in this Union, not only in the number of her population, but in her riches and wealth, and the importance of all that pertained to her. Why, sir, at the time your Constitution was framed, so apparent was this that Edmund Randolph, I think it was, refused to sign the Constitution of the United

States, alleging as a reason that it was all wrong. The State of New York, said he, will have as much influence in the Senate of the United States as Virginia itself, under this Constitution. It is all wrong. The small States will be on a par with the large States. It ought to be grounded, either upon property, or upon the number of white male inhabitants.

That is what he said at the time, and that was the condition of things at the time. Now look on old Virginia. Does she not lie in the fairest part of this continent? Is there any other State that exceeds her in the fertility of her soil, in the salubrity of her climate, in all that pertains to the material welfare of man? No State in this Union probably could compare with her. And now, during one age of man, how does she rank according to the last census? Why, from number one she has sunk to number five. What has produced this? That great statesmanship of which she boasts so much, and upon which she sometimes, as I think, takes airs to herself. Is that the principle? Have your principles of statesmanship advanced you thus? Why, sir, your statesmanship is Africanized, and you want to Africanize this wholo Territory. That is what you are after; and if it is right, you should do it. But, really, the policy of this Government now differs but a little from what it is in Africa, from Guinea to Timbuctoo. We are about the same in principle. There they are opposed to any general system of internal improvement; they are opposed to any general system of education. I do not know that they carry it quite as far as they do in some other places, where they whip and imprison women who undertake to teach the poor. I am not quite certain that they undertake to carry it to that extent; but, nevertheless, so far they go side by side; and when you come to raising children for the market, they can vie well with each other. But they seek to extend the market for human beings; and hence the object of this bill. Their object is to enhance and extend this market; and I say it does not consist with the welfare of this Union to do so. I say that to fill the interior of this continent with that kind of chattels is to blast the fairest prospects of every man who has ever entertained the highest hopes of the progress of his country, and hence it is that I stand here as one to oppose it.

You may call me an Abolitionist if you will; I care but little for that; for if an undying hatred to slavery or oppression constitutes an Abolitionist, I am that Abolitionist. If man's determination, at all times and at all hazards, to the last extremity, to resist the extension of slavery, or any other tyranny, constitutes an Abolitionist, I, before God, believe myself to be that Abolitionist. So I was taught, and I shall not probably very soon swerve from the faith of my forefathers in this particular. It is idle to cry "Abolition" to me. To me it is an honorable name. Not, sir, that I ever went with that particular party; but I did not differ from them on these points; but because they did not make their opposition effectual, in my judgment; for I would have gone with those who would have reached your institutions, wherever the Constitution gave us a right to reach them, without trenching one hair's breadth where we had no right. There I do not undertake, and never shall undertake, to trench, upon them. I admit that in the States you have full control over it. You may do with it as seems to you good. You never found me, you never found the party to which I belong in the North, pretending to do anything adverse to your right to make such laws and regulations with regard to this institution as you please. We hoped, like all other men, that you would see that the system did not work to your best advantage; we were in hopes you would see that a gradual system of emancipation, just such as made the vast difference between the progress of the State of New York and old Virginia, would wake up every sensible man to follow in the track, and to do likewise. We hoped that, but we claimed no right to interfere. You must do with this as seems to you good.

I regret, Mr. President, that this question has arisen here now, for I believe all will bear me witness that I have not been factious here. From the first day I took my seat in this body, resolutions touching slavery, in a manner exceedingly offensive to men of the North, were urged upon us day after day, week after week, and month after month, well calculated to stir the blood of a northern man, and yet I sat under it. While it was a matter in the abstract, I cared nothing about it. Your finality resolutions that were debated here so long, all that you could say here or elsewhere, your determinations to resist all agitation of this subject, never stirred me to opposition; but when you come in here, by law attempting to legalize slavery in half a continent, and to bring it into this Union in that way, and when, in doing so, you are guilty of the greatest perfidy you can commit, I must enter my indignant protest against it. Sir, what will be the consequence of passing this bill? Does not any man see that its first effect will be to render all future compromises absolutely ridiculous and impossible? for if one as solemnly entered into as this, as faithfully lived up to as this, shall be thus wantonly broken down, how, when a matter of difference again arises between us, shall we compromise it? Shall we have any faith in each other? No, sir; no. Where is your compromise of 1850? Why it is just as effectually gone as the compromise you now seek to repeal. They both stand together. One guarantees the other. They are linked together by the same legislation. To repudiate one is to repudiate both. And do you believe, sir, that we shall keep our hands off that portion of the legislation of 1850 upon which the South now relies as giving an equal chance for slavery in New Mexico and Utah, and which is exceedingly offensive to the North, as that was free country when we conquered it? Suppose a prodigious excitement pervades all the northern States. Suppose they come in here to say to the South: "You have led the way in repudiating compromises, and, as there is no further trust to be reposed in one section of the country or the other, we sternly demand a repeal of all those laws which are for your benefit, as you have gone foremost in doing away with that portion which were made for us." What shall then be said? What plea can you put in to me when I come here backed by my constituents, demanding that now, inasmuch as the South have come up as one man and have taken away all the guarantees on which we and our forefathers relied to guard

this great domain against the encroachments of slavery, inasmuch as it has been ruthlessly trampled under foot by a few treacherous men not consulting with their constituents, that you shall repeal all the compromise laws, the fugitive slave law included, which you hold of consequence to you? Has any northern man offered such a proposition? I know you complained that we do not submit with as much resignation to your fugitive bill as you would be glad to see. Well, sir, we do not. I agree to that. Why do we not? It is because the northern mind, imbued with the principles of liberty, is unable to see the force of your claim and title to the slave. I grant that the Constitution of the United States contains what you call a compromise; but it is scarcely more sacred than the one under consideration. So far as the inclinations of the people will go, so far as their feelings will go, you have a faithful execution of that law; but if you demand that against which human nature itself revolts, you must take it with such objections as naturally will arise. In general your law has been enforced; but what will be said when you have thrown down the gauntlet on the other side, and told us that compromises for our benefit mean nothing at all? Have you not got now three slave states out of the Louisiana purchase nearly as large as the rest of that territory, and are you not enjoying it? Has any man from the north ever said it should be taken from you? No, sir; not a lisp of it, not a word of it. Is not freedom to be considered as well as slavery?

But, sir, I would rather put this question on broader principles than these compacts, sacred as they are, and from which no man who violates them can escape with honor. However, as I have intimated already, this is a great question of human rights. Now, if there is not really any difference between liberty and slavery, then all that our fathers have done; all that the Declaration of Independence has set forth; all the legislation in England and in this country to further and guarantee the principles of human liberty, are a mere nullity, and ought not to be lived up to. This may be so, but we have been taught differently.

Gentlemen have argued this question as though it were a matter of entire indifference whether the continent is to be overrun with slavery, or whether it is to be settled by freemen. I know that those who hold slaves may have an interest in this question; but when you consult this matter in the light of States, or communities, there can be but one answer to it. If there is any other, as I said before, if both are to stand and fare alike, then human liberty is a humbug, and tyranny ought to be the order of the day. But, Mr. President, this is also an exceedingly dangerous issue. I know the Senator from Kentucky said he did not think there would be very much of a storm after all. He was of opinion that the northern mind would immediately lie down under it, that the North would do as they have frequently done, submit to it, and finally become indifferent in regard to it. But I tell the gentleman that I see indications entirely adverse to that. I see a cloud, a little bigger now than a man's hand, gathering in the north, and in the west, and all around, and soon the whole northern heavens will be lighted up with a fire that you cannot quench. The indications of it are rife now in the heavens, and any man who is not blind can see it. There are meetings of the people in all quarters; they express their alarm, their dismay, their horror at the proposition which has been made here. You cannot make them believe that the thing is seriously contemplated here. How is it? You of the South, all of you, propose to go for repudiating this obligation. Do you not see that you are about to bring slavery and freedom face to face, to grapple for the victory, and that one or the other must die? I do not know that I ought to regret it, but I say to gentlemen, you are antedating the time when that must come. It has always been my opinion that principles so entirely in opposition to each other, so utterly hostile and irreconcileable, could never exist long in the same government. But, sir, with mutual forbearance and good-will, with no attempt on either side to take advantage of the other, perhaps we might have lived in happiness and peace for many years; but when you come boldly forth to overthrow the time-honored guarantees of liberty, you show us that the principles of slavery are aggressive, incorrigibly aggressive; that they can no more be at ease than can a guilty conscience. If you show us that—and you are fast pointing the road to such a state of things—how can it be otherwise than that we must meet each other as enemies, fighting for the victory? for the one or the other of these principles must prevail.

I tell you, sir, if you precipitate such a conflict as that, it will not be liberty that will die in the nineteenth century. No, sir, that will not be the party that must finally knock under. This is a progressive age; and if you will make this fight, you must be ready for the consequences. I regret it. I am an advocate for the continuance of this Union; but, as I have already said, I do not believe this Union can survive ten years the act of perfidy that will repudiate the great compromise of 1820.

Mr. President, I do not wish to detain the Senate upon this subject. Perhaps I have said all that I have to say upon it. I wished to enter my protest against this act. I wished to wash my hands clean of this nefarious conspiracy to trample on the rights of freemen, and give the ascendency to slavery. I could not justify my course to my constituents without having done so to the utmost of my ability; and having done so, I shall leave this issue to you to say whether it is safe, right, and reasonable for any fancied advantage, to incur such enormous perils.

I know gentlemen think all is calm, and I know they will preach peace. I wish there was real peace, for I do not delight in contention. I have endeavored not to be a contentious man here. I have endeavored even to abide by your compromises, which I did not exactly like.

But I have overlooked one thing that I ought to have said. The Senator from Illinois deduces some great principles from the compromises of 1850. So he says in his speech. Now, from the very nature of those compromises, it was all but impossible that any particular principle could be deduced from them. There were several antagonistical subjects, about which there was dispute; and, indeed, there can never be much of a principle drawn from a compromise of antagonistical

principles. That is not the place to fix a principle. There was California—she had adopted a constitution, and sought to be admitted into the Union. Here was Texas wishing to have her boundary adjusted with New Mexico. Here was the District of Columbia, in which the North contended that slave-markets should be abolished.

Perhaps there were no two men who agreed in all these propositions. Some were for permitting California to be admitted into the Union. The whole north thought it ought to come in; but did you then stand upon the doctrine of non-intervention? Here was a State organized with a free constitution, knocking at your doors for admission. Where, then, was this great doctrine of non-intervention in the South? Where did it find any advocates then? Why, sir, the State of Georgia, I recollect, passed her resolutions, and among other points which she said would justify her in dissolving the Union, one was the admission of California into the Union. There, sir, was non-intervention with a vengeance! The whole South stood in opposition to her entering this Union with a free constitution. Was that non-intervention? And yet the gentleman says, one great principle that he deduces from the legislation of 1850 is non-intervention. So far from that, I should suppose it was intervention of the very highest character, to shut a State out of this Union, to resist her approach here as long as it could be done, and never to yield to it till some consideration could be given for it. A principle of non-intervention, says the gentleman, growing out of such a state of things as that! But, the gentleman also said that he offered to extend the Missouri compromise line to the Pacific, and he says the anti-slavery feeling rejected it, and therefore he is going to take vengeance upon us, and come up into the North with his slavery doctrine. How was that? The Missouri compromise was a restriction upon slavery; but the territories which we acquired from Mexico were already, by a decree of Mexico, free from slavery; therefore your line, when you proposed it, was to extend slavery, not to restrict it. There is no analogy in the principles at all. One restricted slavery, and the other extended slavery. What would be said of me if I should undertake to deduce a principle from the action of Congress in 1850 in respect to the District of Columbia? You abolished the market for slaves here, and declared that they should not be brought into the District for sale. Then I might say, on the gentleman's doctrine, that you had settled a great principle; that you should not have slave-markets anywhere else, and it would be just as logical as the principles which the gentleman deduces from some other of those compromise measures. The fact was, that there were a great many real or fancied interests antagonistical to each other; and while hardly any man agreed as to the settlement of them all, they got together, as men settle other controversies—they undertook to arbitrate and to compromise. Although they did not agree to any one thing in particular, they said, we will take these measures as a whole; they are the best we can do, and therefore we will submit to them; and having submitted, we will abide by them.

The idea of a compromise of course presupposes that the disputing parties have not got all that they were contending for. How then can you deduce principles from such a state of things as that? No one thought of doing it but one who was contending for the overthrow of even this last compromise, without giving any reason why he had done it; for I am sure if there was a reason adequate to such an exigency as this, it would be easy either to state it on paper or otherwise; but it has not been stated.

Mr. President, I will not prolong this discussion. In my desultory way I have said all, and more than all, that I intended to say. I am satisfied with having entered my protest against this measure. If gentlemen adopt it, they must take it with all its perils. I trust freedom will ultimately come out of the conflict triumphantly.

SPEECH OF THE HON. EDWARD EVERETT,

IN THE SENATE, FEB. 8, 1854.

NEBRASKA AND KANSAS.

MR. EVERETT said:

MR. PRESIDENT: I intimated yesterday that if time had been allowed, I should have been glad to submit to the Senate my views at some length in relation to some of the grave constitutional and political principles and questions involved in the measure before us. Even for questions of a lower order, those of a merely historical character, the time which has elapsed since this bill, in its present form, was brought into the Senate, which I think is but a fortnight ago yesterday, has hardly been sufficient, for one not previously possessed of the information, to acquaint myself fully with the details belonging to the subject before us, even to those which relate to subordinate parts of it, such as our Indian relations. Who will undertake to say how they will be affected by the measure now before the Senate either under the provisions of the bill in that respect as it stood yesterday, or as it will stand now that all the sections relative to the Indians have been stricken out? And then, sir, with respect to that other and greater subject, the question of slavery as connected with our recent territorial acquisitions, it would take a person more than a fortnight to even read through the voluminous debates since 1848, the knowledge of which is necessary for a thorough comprehension of this important and delicate subject.

For these reasons, sir, I shall not undertake at this time to discuss any of these larger questions. I rise for a much more limited purpose—to speak for myself, and without authority to speak for anybody else, as a friend and supporter of the compromises of 1850, and to inquire whether it is my duty, and how far it is the duty of others who agree with me in that respect, out of fidelity to those compromises, to support the bill which is now on your table, awaiting the action of the Senate. This, I feel, is a narrow question; but this is the question which I propose, at no very great length, to consider at the present time.

I will, however, before I enter upon this subject, say, that the main question involved in the passage of a bill of this kind is well calculated to exalt and expand the mind. We are about to take a first step in laying the foundations of two new States, of two sister independent Republics, hereafter to enter into the Union, which already embraces thirty-one of these sovereign States, and which, no doubt, in the course of the present century, will include a much larger number. I think Lord Bacon gives the second place among the great of the earth to the founders of States—*Conditores imperiorum*. And though it may seem to us that we are now legislating for a remote part of the unsubdued wilderness, yet the time will come, and that not a very long time, when these scarcely existing territories, when these almost empty wastes, will be the abode of hundreds and thousands of kindred, civilized fellow-men and fellow-citizens. Yes, sir, the time is not far distant, probably, when Kansas and Nebraska, now unfamiliar names to us all, will sound to the ears of their inhabitants as Virginia, and Massachusetts, and Kentucky, and Ohio, and the names of the other old States, do to their children. Sir, these infant Territories, if they may even at present be called by that name, occupy a most important position in the geography of this continent. They stand where Persia, Media, and Assyria stood in the continent of Asia, destined to hold the balance of power—to be the centres of influence to the East and to the West.* Sir, the fountains that trickle from the snow-capped crests of the Sierra Madre flow in one direction to the Gulf of Mexico, in another to the St. Lawrence, and in another to the Pacific. The commerce of the world, eastward from Asia, and westward from Europe, is destined to pass through the gates of the Rocky Mountains over the iron pathways which we are even now about to lay down through those Territories. Cities of unsurpassed magnitude and importance are destined to crown the banks of their noble rivers. Agriculture will clothe with plenty the vast plains now roamed over by the savage and the buffalo. And may we not hope, that, under the egis of wise constitutions of free government, religion and laws, morals and education, and the arts of civilized life, will add all the graces of the highest and purest culture to the gifts of nature and the bounties of Providence?

Sir, I assure you it was with great regret, having in my former congressional life uniformly concurred in every measure relating to the West which I supposed was for the advantage and prosperity of that part of the country, that as a member of the Committee on Territories, I found myself unable to support the bill which the majority of that committee had prepared to bring forward for the organization of these Territories. I should have been rejoiced if it had been in my power to give my support to the measure. But the hasty examination which, while the subject was before the committee, I was able to give to it, disclosed objections to the bill which I could not overcome; and more deliberate inquiry has increased the force of those objections.

I had, in the first place, some scruples—objections I will not call them, because I think I could have overcome them—as to the expediency of giving a territorial government of the highest order to this region at the present time.

In the debate on this subject in the House of Representatives last year, inquiries were made as to the number of inhabitants in the Territory, and I

* The idea in this sentence was suggested by a very striking editorial article in a late number of the *St. Louis Daily Intelligencer*.

believe no one undertook to make out that there were more than four hundred, or five hundred, or, at the outside, six hundred white inhabitants in the region in which you are now going to organize two of these independent territorial governments with two Legislative Councils, each consisting of thirteen members, and two Legislative Assemblies of twenty-six members each, with all the details and apparatus of territorial governments of the highest rank.

It seems to me that this is not called for by the condition of the country, and is somewhat premature. It was the practice in the earlier stages of our legislation to have a territorial government of a simpler form. In the Territories which were organized upon the pattern prescribed by the ordinance of 1787, there was a much simpler government. A governor and judges were appointed by the President of the United States, and authorized to make such laws as might be necessary, subject of course to the allowance or disallowance of Congress: and that organization served very well for the nascent state of the Territories. There was a limit prescribed to governments of this kind. When the population amounted to five thousand male inhabitants, I think it was, they were allowed to have a representative government. This may, perhaps, be too high a number, and may not be in entire accordance with the character of our people, and the genius of our institutions; but still, sir, I do think, that a government of this kind which we propose now to organize, with a constituency so small as now exists, cannot be that which the wants or the interests of the people require, and is in many respects objectionable. It brings the representative into dangerous relations with the constituent; and bestows upon a mere handful of men too much power in organizing the government, and laying the foundations of the State.

It is true, we are told, that the moment the intercourse act is repealed, there will be a great influx of population. I have no doubt that will be the case. There is also a throng of adventurers constantly pouring through this country towards the West, which requires an efficient Government. But even making all due allowance for these circumstances, I do think that it is somewhat premature to give this floating, and—if I may so call it—unstationary population, all the discretionary powers to be vested in a territorial government of the first class. I think it is giving too much power, too much discretion, to a population that will not probably amount at first to more than a few hundred individuals. Still, however, I admit that this is but a question of time. I do not think it a point of vital importance.

When I consider the prodigious rapidity with which our population is increasing by its native growth—when I consider the tide of immigration from Europe, a phenomenon the parallel of which does not exist in the history of the world, an immigration of three or four hundred thousand, of which the greater part are adults, pouring into this country every year, adding to our numbers an amount of population greater than that of some of the older States, and those not of the smallest size, and this double tide flowing into the West, so that what is a wilderness to-day is a settled neighborhood to-morrow—when I consider these things, I do admit that a question of this nature is but a question of time; and if there were no other difficulty attending the bill, I should not be disposed to object to it on this score.

But, sir, the relation of the Indian tribes to the question is, I confess, in my mind, a matter of greater difficulty. Senators all know that the eastern strip of this Territory—I believe for its whole extent—certainly from the southern boundary of Kansas, far up to the north—is occupied by Indian tribes, and the fragments of Indian tribes. They are not in their original location. All the Indians who are there, I believe, have already undergone one removal, and some of them two. In pursuance of the policy which was carried into execution on so large a scale under the administration of General Jackson, a large number of tribes and fragments of tribes were collected upon this eastern frontier of the proposed Territories of Kansas and Nebraska, and have remained there ever since, some of them having made considerable progress in the arts of civilized life.

The removal of the Indians was one of the prominent measures of General Jackson's administration. It was my fortune, sir—it was twenty-four years ago, I believe—my friend from Tennessee [Mr. BELL] will recollect it—as a member of the other House, to take an active part in the discussion of this question. He will remember, I am sure, the ardent, but not unfriendly, conflicts between himself, as chairman of the Committee on Indian Affairs, and myself on that subject. I then maintained that it was impossible, if you removed these Indians to the West, to give them a "permanent home;" for that was the cardinal idea, the very cornerstone of the policy of General Jackson—to remove the Indians from their locations east of the Mississippi river, where they were crowded by the white population, and undergoing hardships of various kinds, so far west as would allow them to find a permanent home. I ventured to say then that, in my opinion, they could find no such permanent home west than east of the Mississippi. My friend from Tennessee thought otherwise, and said so, speaking, I am sure, in as good faith as I did in expressing the opposite opinion. But the policy was carried through, and an act was passed authorizing an exchange of the lands occupied by the Indians east of the Mississippi for other lands west of that river. I will read a single short section from that act:—

"SEC. 3. *And be it further enacted*, That in making of such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will for ever secure and guaranty to them, and their heirs and successors, the country so exchanged with them; and if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same."

This was the legislative foundation of the policy; and General Jackson deemed it of so much consequence that, in his Farewell Address, he congratulated the country on the success with which it had been carried out; and his successor, Mr. Van Buren, in one of his annual messages, spoke of it in the same glowing terms.

Now, sir, these were the hopes, these were the expectations on which the policy of removing the Indians west of the Mississippi proceeded. I do not recall the recollection of the subject reproachfully; I have no reproach to cast upon any one. Events which no mortal could have foreseen have taken place. The whole condition of our western frontier has been changed. Our territorial acquisitions on the Pacific, and the admission of a sister State in that quarter to the Union, have created a political necessity of an urgent character for improved means of communication, and I fear that it is not possible to preserve intact this Indian barrier. But

I want information on that subject. I should like to hear other Senators, who understand the subject much better than I do, tell us how that matter stands; and whether it is absolutely necessary that this measure should go on, in the manner described by the bill, which, it seems to me, if not conducted with the utmost care, will be attended with great inconvenience, if not utter destruction, to those remnants of tribes.

If we must use that hateful plea of necessity, which I am always unwilling to take upon my lips; if we must use the tyrant's plea of necessity, and invade "the permanent home" of these children of sorrow and oppression, I hope we shall treat them with more than justice, with more than equity, with the utmost kindness and tenderness. Now, I am unable to say, not having ample information on the subject, how their condition will be affected by the clauses in the bill which were struck out yesterday. I am unable to say how it will be affected by leaving the bill without any provisions in reference to that subject. There are, of course, to be appropriations for negotiating with the Indians in other bills; the Senator from Illinois intimated as much; but what the measures to be proposed are, I should like to be better informed. I have no suspicions on the subject; I have no misgivings. I have no doubt that Senators and the Executive will be animated with the purest spirit of humanity and tenderness toward these unfortunate fellow-men; but I should like to know what is to be done with them. I should like to know how the bill in its present condition, or with such supplementary measures as are to be brought in hereafter, will leave these persons who depend upon us, upon our kindness, upon our consideration, for their very existence. I hope that, before I make choice, we shall have something on this point from members of the body who are competent to speak on the subject. Unless the difficulty which I feel on this point shall be removed, I shall be compelled, on this ground alone, to oppose any such territorial bill.

Trusting, however, that proper precautions will be taken, and that measures will be adopted, if possible, to give to the more advanced individuals of these tribes, personal reservations of land, to save them from being driven off to some still more remote resort in the wilderness; trusting that this, or some other measure of wisdom and kindness will be pursued, I think I could cheerfully support the territorial bill, which passed the House of Representatives at the last session, and was lost in this body, I believe, for want of time, in the very last hours, certainly on the very last day, of the late session of Congress. If I could have been assured that proper safeguards were contained in that bill for the Indians, I should have been willing to support it; and when it was revived at this session of Congress, by the Senator from Iowa [Mr. DODGE], and referred to the Committee on Territories, of which I have the honor to be a member, I did certainly hope that, if it were thought expedient to report any bill for organizing this Territory, that one would have been adopted by the committee. The majority thought otherwise, however, and they have reported the bill before the Senate.

I will not take up the time of the Senate by going over the somewhat embarrassing and perplexed history of the bill, from its first entry into the Senate until the present time. I will take it as it now stands, as it is printed on our tables, and with the amendment which was offered by the Senator from Illinois [Mr. DOUGLAS] yesterday, and which, I suppose, is now printed, and on our tables; and I will state, as briefly as I can, the difficulties which I have found in giving my support to this bill, either as it stands, or as it will stand when the amendment shall be adopted. My chief objections are to the provisions on the subject of slavery, and especially to the exception, which is contained in the 14th section, in the following words:—

"Except the 8th section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."

On the day before yesterday the chairman of the Committee on Territories proposed to change the words "superseded by" to "inconsistent with," as expressing more distinctly all that he meant to convey by that impression. Yesterday, however, he brought in an amendment, drawn up with great skill and care, on notice given the day before, which is to strike out the words "which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative," and to insert in lieu of them the following:—

"Which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognised by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

No, I agree with the remark made by the chairman of the committee yesterday, that this is a change in the phraseology alone. It covers a somewhat broader ground, but the latter part of it is explanatory; and as to the main point in which it is proposed to declare the Missouri restriction of 1820 "inoperative and void," I do not find any change between this amendment and the words contained in the bill on our tables. It seems to be the design of both to carry out the principle which was laid down by the chairman in his report. I will read from that report the following sentences, for I conceive them to be those which give the key to the whole measure:

"In the judgment of your committee, those measures [the compromise measures of 1850] were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles which would not only furnish adequate remedies for existing evils, but in all time to come avoid the perils of a similar agitation, by withdrawing the question of slavery from the halls of Congress and the political arena, and commit it to the arbitrament of those who were immediately interested in, and alone responsible for, its consequences."

This, I suppose, is the principle and the policy to which it is intended, either as it stood at first, or as it is now proposed to amend it, to give the force of law in the bill now before us.

Now, sir, I think, in the first place, that the language of this proposed enactment, being obscure, is of somewhat doubtful import, and for that reason, unsatisfactory. I should have preferred a little directness. What is the condition of an enactment which is declared by a subsequent act of Congress to be "inoperative and void"? Does it remain in force? I take it, not. That would be a contradiction in terms, to say that an enactment which had been declared by act of Congress inoperative and void, is still in force. Then, if it is not in force, if it is not only inoperative and void, as it is to be de-

clared, but is not in force, it is of course repealed. If it is to be repealed, why not say so? I think it would have been more direct and more parliamentary to say "shall be and is hereby repealed." Then we should know precisely, so far as legal and technical terms go, what the amount of this new legislative provision is.

If the form is somewhat objectionable, I think the substance is still more so. The amendment is to strike out the words "which was superseded by," and to insert a provision that the act of 1820 is inconsistent with the principle of congressional non-intervention, and is therefore inoperative and void. I do not quite understand how much is conveyed in this language. The Missouri restriction of 1820, it is said, is inconsistent with the principle of the legislation of 1850. If anything more is meant by "the principle" of the legislation of 1850, than the measures which were adopted at that time in reference to the Territories of New Mexico and Utah—for I may assume that those are the legislative measures referred to—if anything more is meant than that a certain measure was adopted, and enacted in reference to those Territories, I take issue on that point. I do not know that it could be proved that, even in reference to those Territories, a *principle* was enacted at all. A certain measure, or, if you please, a course of measures, was enacted in reference to the Territories of New Mexico and Utah; but I do not know that you can call this enacting a principle. It is certainly not enacting a principle which is to carry with it a rule for other Territories lying in other parts of the country, and in a different legal position. As to the principle of non-intervention on the part of Congress in the question of slavery, I do not find that, either as principle or as measure, it was enacted in those territorial bills of 1850. I do not, unless I have greatly misread them, find that there is anything at all which comes up to that. Every legislative act of those territorial governments must come before Congress for allowance or disallowance, and under those bills, without repealing them, without departing from them in the slightest degree, it would be competent for Congress to-morrow to pass any law on that subject.

How then can it be said that the principle of non-intervention on the part of Congress in the subject of slavery was enacted and established by the compromise measures of 1850? But, whether that be so or not, how can you find, in a simple measure applying in terms to these individual Territories, and to them alone, a rule which is to govern all other Territories with a retrospective and with a prospective action? Is it not a mere begging of the question to say that those compromise measures, adopted in this specific case, amount to such a general rule?

But, let us try it in a parallel case. In the earlier land legislation of the United States, it was customary, without exception, when a Territory became a State, to require that there should be a stipulation in their State constitution that the public lands sold within their borders should be exempted from taxation for five years after the sale. This, I believe, continued to be the uniform practice down to the year 1820, when the State of Missouri was admitted. She was admitted under this stipulation. If I mistake not, the next State which was admitted into the Union—but it is not important whether it was the next or not—came in without that stipulation, and they were left free to tax the public lands the moment when they were sold. Here was a principle; as much a principle as it is contended was established in the Utah and New Mexico territorial bill; but did any one suppose that it acted upon the other Territories? I believe the whole system is now abolished under the operation of general laws, and the influence of that example may have led to the change. But, until it was made by legislation, the mere fact that public lands sold in Arkansas, were immediately subject to taxation, could not alter the law in regard to the public lands sold in Missouri, or in any other State where they were exempt.

There is a case equally analogous to the very matter we are now considering—the prohibition or permission of slavery. The ordinance of 1787 prohibited slavery in the territory northwest of the Ohio. In 1790 Congress passed an act accepting the cession which the State of North Carolina had made of the western part of her territory, with the proviso that in reference to the territory thus ceded Congress should pass no laws "tending to the emancipation of slaves." Here was a precisely parallel case. Here was territory in which, in 1787, slavery was prohibited. Here was territory ceded by North Carolina, which became the territory of the United States south of the Ohio, in reference to which it was stipulated with North Carolina, that Congress should pass no laws tending to the emancipation of slaves. But I believe it never occurred to any one that the legislation of 1790 acted back upon the ordinance of 1787, or furnished a rule by which any effect could be produced upon the state of things existing under that ordinance, in the territory to which it applied.

I certainly intend to do the distinguished chairman of the committee no injustice; and I am not sure that I fully comprehend his argument in this respect; but I think his report sustains the view which I now take of this subject; that is, that the legislation of 1850 did not establish a principle which was designed to have any such effect as he intimates. That report states how matters stood in those new Mexican territories. It was alleged on the one hand that by the Mexican *lex loci* slavery was prohibited. On the other hand that was denied, and it was maintained that the Constitution of the United States secures to every citizen the right to go there and take with him any property recognized as such by any of the States of the Union. The report considers that a similar state of things now exists in Nebraska—that the validity of the eighth section of the Missouri act, by which slavery is prohibited in that Territory, is doubtful; and that it is maintained by many distinguished statesmen that Congress has no power to legislate on the subject. Then, in this state of the controversy, the report maintains that the legislation of Congress in 1850 did not undertake to decide these questions. Surely, if they did not undertake to decide them, they could not settle the principle which is at stake in them; and, unless they did decide them, the measures then adopted must be considered as specific measures, relating only to those cases, and not establishing a principle of general operation. This seems to me to be as direct and exclusive as anything can be.

At all events, these are not impressions which are put forth by me under the exigencies of the present debate or of the present occasion. I have never entertained any other opinion. I was called upon for a particular purpose, of a literary nature, to which I will presently allude more distinctly, shortly after the close of the session of 1850, to draw up a narrative of the events that had taken place relative to the passage of the compromise measures of that year, I had not, I own, the best sources of information. I was not a member of Congress, and had not heard

the debates, which is almost indispensable to come to a thorough understanding of questions of this nature; but I inquired of those who had heard them, I read the reports, and I had an opportunity of personal intercourse with some who had taken a prominent part in all of those measures. I never formed the idea—I never received the intimation until I got it from this report of the committee—that those measures were intended to have any effect beyond the Territories of Utah and New Mexico, for which they were enacted. I cannot but think that if it was intended that they should have any larger application, if it was intended that they should furnish the rule which is now supposed, it would have been a fact as notorious as the light of day.

Look at the words of the acts themselves. They are specific. They give you boundaries. The lines are run. The Territories are geographically marked out. They fill a particular place on the map of the continent; and it is provided that within those specific geographical limits a certain state of things, with reference to slavery, shall exist. That is all. There is not a word which states on what principle that is done. There is not a word to tell you that that state of things carries with it a rule which is to operate elsewhere—retrospectively upon territory acquired in 1803, and prospectively on territory that shall be acquired to the end of time. There is not a word to carry the operation of those measures over the geographical boundary which is laid down in the bills themselves.

It would be singular if, under any circumstances, the measures adopted should have this extended effect, without any words to indicate it. It would be singular, if there was nothing that stood in the way; but when you consider that there is a positive enactment in the way—the eighth section of the Missouri law, which you now propose to repeal because it does stand in the way—how can you think that these enactments of 1850 in reference to Utah and New Mexico were intended to overleap these boundaries in the face of positive law to the contrary, and to fall upon and decide the organization of Territories in a region purchased from France nearly fifty years before, and subject to a distinct specific legislative provision, ascertaining its character in reference to slavery? Sir, it is to me a most singular thing that words of extension in 1854 should be thought necessary in this bill to give the effect supposed to have been intended to the provisions of the acts of 1850, and that it should not be thought necessary in 1850 to put these words of extension into the original bills themselves.

Now, sir, let us look at the debates which took place at that time, because, of course, one may always gather much more from the debates on one side and the other on any great question, as to the intention and meaning of a law, than can be gathered from the words of the statute itself. I have not had time to read these debates fully. That is what I complained of in the beginning. I have not had time to read, as thoroughly as I could wish, those voluminous reports—for they fill the greater part of two or three thick quarto volumes; but in what I have read, I do not find a single word from which it appears that any member of the Senate or House of Representatives, at that time, believed that the territorial enactments of 1850, either as principle, or rule, or precedent, or by analogy, or in any other way, were to act retrospectively or prospectively upon any other Territory. On the contrary, I find much, very much, of a broad, distinct, directly opposite bearing. I forbear to repeat quotations from the debates which have been made by Senators who have preceded me.

The proviso itself, which forms so prominent a characteristic and so important a part of this bill, the proviso that when the Territory, or any part of it, shall be admitted into the Union as a State or States, it shall be with or without slavery, as their constitution at the time of admission may prescribe, was no part of the original compromise, as I understand it. The compromise consisted in not inserting the Wilmot proviso in the Utah and New Mexico bills. That was moved and rejected, and the Territory was to come in without any such restriction. That was the compromise in reference to those Territories; and after the Wilmot proviso had been voted down, a distinguished Senator from Louisiana [Mr. Soulé], not now a member of this body, but abroad in the foreign service of the country, moved the proviso which I have just recited; and he did it, as he said, "to feel the pulse of the Senate." Mr. Webster, in voting for that motion of Mr. Soulé, as he had just voted against the Wilmot proviso, used these remarkable words:

"Be it remembered, sir, that I now speak of Utah and New Mexico, and *of them alone*."

It was with that *caveat* that Mr. Webster voted for the proviso which forms the characteristic portion of this bill, and which is supposed to carry with it a law applying to this whole Territory of Nebraska, although covered by the Missouri restriction of 1820. Mr. Webster had on a former occasion, in the great speech of the 7th of March, 1850, to which I shall in a moment advert again, used the following remarkable language:

"And I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment within the United States a single foot of land the character of which, in regard to its being free-soil territory or slave territory, is not fixed by some law, and some irrepealable law, beyond the power of the action of the Government."

He meant, of course, to give to the Missouri restriction the character of a compact which the Government in good faith could not repeal; and there was in the course of the speech a great deal more said to the same purpose.

And now, sir, having alluded to the speech of Mr. Webster, of the 7th March, 1850, allow me to dwell upon it for a moment. I was in a position next year—having been requested by that great and lamented man to superintend the publication of his works—to know very particularly the comparative estimace which he placed upon his own parliamentary efforts. He told me more than once that he thought his second speech on FOOTE'S resolution was that in which he had best succeeded as a senatorial effort, and as a specimen of parliamentary dialectics; but he added, with an emotion which even he was unable to suppress, "The speech of the 7th of March, 1850, much as I have been reviled for it, when I am dead, will be allowed to be of the greatest importance to the country." Sir, he took the greatest interest in that speech. He wished it to go forth with a specific title; and after considerable deliberation, it was called, by his own direction, "A Speech for the Constitution and the Union." He inscribed it to the People of Massachusetts, in a dedication of the most emphatic tenderness, and he prefixed to it that motto—which you all remember—from Livy, the most appropriate and felicitous quotation, perhaps, that was ever made: "True things rather than pleasant things."—*Vera pro gratis*: and with that he sent it forth to the world.

In that speech his gigantic intellect brought together all that it could gather from the law of nature, from the Constitution of the United States, from our past legislation, and from the physical features of the region, to strengthen him in that plan of conciliation and peace, in which he feared that he might not carry along with him the public sentiment of the whole of that portion of the country which he particularly represented here. At its close, when he dilated upon the disastrous effects of separation, he rose to a strain of impassioned eloquence which has never been surpassed within these walls. Every topic, every argument, every fact, was brought to bear upon the point; and he felt that all his vast popularity was at stake on the issue. Let me commend to the attention of Senators, and let me ask them to consider what weight is due to the authority of such a man, speaking under such circumstances, and on such an occasion, when he tells you that the condition of every foot of land in the country, for slavery or non-slavery, is fixed by some irrepealable law. And you are now about to repeal the principal law which ascertained and fixed that condition. And, sir, if the Senate will take any heed of the opinion of one so humble as myself, I will say that I believe Mr. Webster, in that speech, went to the very verge of the public sentiment in the non-slaveholding States, and that to have gone a hair's breadth further, would have been a step too bold even for his great weight of character.

I pass over a number of points to which I wished to make some allusion, and proceed to another matter. The chairman of the Committee on Territories did not, in my judgment, return an entirely satisfactory answer to the argument drawn from the fact that the Missouri restriction, or the compromise of 1820, is actually and in terms recognised and confirmed by the territorial legislation of 1850, in the act organizing the Territory of New Mexico. The argument is this: that act contains a proviso that nothing therein contained shall be construed to impair or qualify the third article of the second section of the resolutions for annexing Texas. When you turn to that third article of the second section of the resolution, you find that it recognises by name the Missouri compromise. Now, I understood the chairman of the Committee on Territories to say, that all that part of Texas to which that restriction applied, north of 36 deg. 30 min., was cut off and annexed to New Mexico.

Mr. DOUGLAS. Not all annexed, but a large portion annexed, and all cut off.

Mr. EVERETT. But it does not seem to me that this is an adequate answer. In the first place, the Senator tells us that all north of 36 deg. 30 min. was cut off from Texas. But there was a considerable portion of territory, as large as four States of the size of Connecticut, which was not incorporated into New Mexico, and to which the proviso still attaches. But, whether that be so or not, would it not be a strange phenomenon in legislation that a subsequent act should be construed to supersede, to nullify, to render inoperative and void, by any operation, or in any way or form, a former act, which it expressly states nothing therein contained shall qualify or impair? It does seem to me that this is so formal a recognition, that it is unnecessary to inquire whether there is, or is not, any portion of territory to which, in point of fact, it attaches, especially when the question now is, not whether it operates in Texas, but whether it operates in Nebraska in its original location.

The Senator stated that, in point of fact, to some extent the Missouri Compromise was actually repealed by the territorial legislation of 1850; and the facts by which he supported that statement were these: that a portion of territory was taken from Texas, where it was subject to the Missouri restriction, and incorporated into New Mexico, where it came under the compromise of 1850; and, in like manner, that a portion of the territory now embraced in Utah was taken from the old Louisiana purchase, where it was subject to the Missouri restriction, and was incorporated into the Territory of Utah, where, in like manner, it came under the compromise of 1850. But I think the answers to be given to these statements are perfectly satisfactory.

In the first place, it was a very small portion of territory, very small, indeed, compared with the vast residuum; and can we suppose that the few hundred or it may be the few thousand, square miles taken off in this way from Texas and the old Louisiana purchase, and thrown into New Mexico and Utah, can, by way of principle or rule, or in any other way, qualify, or modify, or repeal a positive enactment covering the remaining space, which is as large as all the British Islands, France, Prussia, the Austrian Empire, and the smaller Germanic States, put together?

In the next place, in reference to New Mexico, if I understand it, the territory which was thus transferred never was subject to the restriction of 1820—to the real Missouri Compromise, now proposed to be declared "inoperative and void." It was subject to the Texas annexation resolutions, which extended the Missouri line, but it was no part of Louisiana, never had been, and was not subject to the restriction which it is now proposed to repeal.

Then, in the next place, it was a mere question of disputed boundary. I do not wish to do the statement of my worthy friend, the chairman of the Committee on Territories, any injustice, but I think he was incorrect if he said, that "the United States purchased this strip of land from Texas." These are not the terms of the act. They are very carefully stated more than once. The United States gave a large sum of money to Texas, not to sell this strip of land, but to "cede her claim" to it. That was all. Texas claimed it. The United States did not allow or disallow the claim, but they gave Texas a large consideration to cede her claim. It was, therefore, a matter of disputed boundary; and it is not decided whether the ceded territory originally belonged to Texas or New Mexico.

In reference to Utah, it is true, there is a small spot, a very small spot in the Sierra Madre, that was taken from the old Louisiana purchase and thrown into Utah; but I venture to say, that probably not a member of the Senate, except the worthy chairman of the Committee on Territories, was aware of that fact. I do not mean that he made any secret of it, but it was not made a point at all. The Senate were not apprised that if they took this little piece of land, which Colonel Fremont calls the Middle Park, out of the old Louisiana purchase, and put it into Utah, they would repeal the Missouri Compromise of 1820, which covers half a million of square miles. I say, sir, most assuredly the Senate were told no such thing; nor do I think it was within the knowledge or the imagination of an individual member of the body.

I may seem to labor this point too much; but as it is the main point to which I solicit the attention of the Senate, I will state one more consideration. It has been alluded to already, but I propose to put it in a little different light, which seems to me to be

absolutely decisive of the whole subject. The proposition to organize Nebraska Territory is not a new one. The chairman of the Committee on Territories has had it in view for several years—as far back, I believe, as 1844 or 1845. It is so stated in Mr. Hickey's valuable edition of the Constitution. Whether it was actually before the Senate in 1850 I know not; but it was certainly in the mind of the Senator from Illinois. Now, sir, during the pendency of these compromise measure, while the Utah and the New Mexico bills were in progress through the two Houses of Congress, if they carried with them a principle or rule which was to extend itself over all other Territories, how can we explain the fact, that there is not the slightest allusion in those bills to the Territory of Nebraska, which the vigilant Senator must have had so strongly on his mind? Is it not a political impossibility, that if it was conceived at that time, that measures were going through the two Houses which were to give a perpetual law to territorial organization, the Nebraska bill would not then have been brought forward, and in some way or other made to enjoy the benefit of it, if benefit it be? But not a word to this effect was intimated that I know of. It was entirely ignored, so far as I am aware; or, at any rate, no attempt was made at that time to pass a Nebraska bill, containing the provisions of the Utah and New Mexico bills.

The compromise measures were the work of the Thirty-First Congress, and at the Thirty-Second Congress a Nebraska bill was brought in by a member from the State of Missouri, in the other House. It passed that body by a majority of more than two to one. It was contested on the ground of injustice to the Indians; but, as far as I know—I speak again under correction—I have not had time to read all these voluminous debates—nothing, or next to nothing was said on the subject of slavery. At any rate there was no attempt made to incorporate the provisions of the present bill on the subject of slavery. It came up here, and was adopted by, and reported from, the Committee on Territories, and brought up in the Senate towards the close of the last session, and on that occasion contested on the same ground; and no attempt was made, or a word said, in reference to these provisions on the subject of slavery. If at that time the understanding was, that you were enacting a principle or a precedent, or anything that would carry with it a rule governing this case, is it possible that no allusion should have been made to it on that occasion?

I conclude, therefore, sir, that the compromise measures of 1850 ended where they began, with the Territories of Utah and New Mexico, to which they specifically referred; at any rate, that they established no principle which was to govern in other cases; that they had no prospective action to the organization of Territories in all future time; and certainly no retrospective action upon lands subject to the restriction of 1820, and to the positive enactment that you now propose to declare inoperative and void.

I trust that nothing which I have now said will be taken in derogation of the compromises of 1850. I adhere to them; I stand by them. I do so for many reasons. One is respect for the memory of the great men who were the authors of them—lights and ornaments of the country, but now taken from its service. I would not so soon, if it were in my power, undo their work, if for no other reason. But beside this, I am one of those—I am not ashamed so avow it—who believed at that time, and who still believe, that at that period the union of these States was in great danger, and that the adoption of the compromise measures of 1850 contributed materially to avert that danger; and therefore, sir, I say, as well out of respect to the memory of the great men who were the authors of them, as to the healing effect of the measures themselves, I would adhere to them. They are not perfect. I suppose that nobody, either North or South, thinks them perfect. They contain some provisions not satisfactory to the South, and other provisions contrary to the public sentiment of the North; but I believed at the time they were the wisest, the best, the most effective measures which, under the circumstances, could be adopted. But you do not strengthen them, you do not show your respect for them, by giving them an application which they were never intended to bear.

Before I take my seat, sir, I will say a few words in a desultory manner upon one or two other statements which were made by the chairman of the Committee on Territories. He said, if I understood him, that the North set the first example of making a breach in the Missouri compromise; and I find out of doors that considerable importance is attached to this idea, that the nullification or repeal of the Missouri compromise at this time is but a just retort upon the North for having, on some former occasion, set the example of violating it. I do think that this is correctly stated. The reference is to the legislation of 1848, when the non-slaveholding States refused to extend the line of 36 deg. 30 min. to the Pacific Ocean, which was done, the Senator said, under the influence of "northern votes with free-soil proclivities," or some expression of that kind. I do not think the Senator shows his usual justice, perhaps, I may say, not his usual candor, on this occasion. That took place two years before the compromise of 1850, and that compromise has been commonly considered, if nothing else, at least as a settlement of old scores; and anything that dates from 1848 must be considered, in reference to those who took part in it, as honorably and fairly settled and condoned in 1850. But, sir, how was the case? This was not a measure carried by northern votes with free-soil proclivities. Far from it. If I have read the record aright, the amendment which the Senator moved in the Senate, to incorporate the Missouri line into the territorial bill for Oregon, was opposed by twenty-one votes in this body. Among those twenty-one voters was every voter from New England. There was the Senator from Massachusetts, Mr. Webster. There was the lately deceased Senator from New Hampshire, Mr. Atherton. Both of the votes from Ohio: Mr. Allen one of them; and both from Wisconsin, were given against this extension of the Missouri compromise. Mr. Calhoun voted in favor of the amendment; but if I am not in error, when the question next came up upon the engrossment of the bill, as amended, he voted with those twenty-one; he voted side by side with those who were included in the designation of the Senator from Illinois. In the House, the vote stood, if I remember the figures, 121 to 82—a majority of 39. This was, I suppose, the whole vote, or nearly the whole vote of the entire non-slaveholding delegation. That surely, then, ought not to be said to be brought about by northern voters with free-soil proclivities, using those words in the acceptation commonly given to them, which I suppose the Senator wishes to do.

No, sir, that vote was given in conformity with the ancient, the universal, the traditionary opinion and feeling of the non-slaveholding States, which forbid a citizen of those States to do anything vol-

ontarily, or except under a case of the sternest compulsion, such as preserving the union of these States —and really I would do almost anything to effect that object—to acquiesce in carrying slavery into a Territory where it did not previously exist. It was that feeling which, in the revolutionary crisis, was universal throughout the land; for the anti-slavery feeling of that time I take to have been mainly a political sentiment, rather than a moral or religious one. It was the same feeling which, in 1787, led the whole Congress of the Confederation to unite in the Ordinance of 1787. Mr. Jefferson, in 1784, had proposed the same proviso, in reference to all the territory possessed by the United States, even as far down as 31 deg., which was their southern boundary. It was the same feeling, I take it, which led respectable southern members of Congress, as late as 1820, to vote for the restriction of slavery in the State of Missouri—of which class, I believe, there were some. And, sir, it is a feeling, I believe in my conscience, which, instead of being created, or stimulated, or favored, by systematic agitation of the subject, is powerfully repressed and discouraged by that very agitation; and if this bill passes the Senate, as to all appearance it will, and thus demonstrate that that feeling is not so strong now as it was in 1820, I should ascribe such a result mainly to the recoil of the conservative mind of the non-slaveholding States from this harassing and disastrous agitation.

A single word, sir, in respect to this supposed principle of non-intervention on the part of Congress in the subject of slavery in the Territories. I confess I am surprised to find this brought forward, and stated with so much confidence, as an established principle of the Government. I know that distinguished gentlemen hold the opinion. The distinguished Senator from Michigan [Mr. CASS] holds it, and has propounded it; and I pay all due respect and deference to his authority, which I conceive to be very high. But I was not aware that any such principle was considered a settled principle of the territorial policy of this country. Why, sir, from the first enactment in 1789, down to the bill before us, there is no such principle in our legislation. As far as I can see it would be perfectly competent even now for Congress to pass any law that they pleased on the subject in the Territories under this bill. But however that may be, even by this bill, there is not a law which the Territories can pass, admitting or excluding slavery, which it is not in the power of this Congress to disallow the next day. This is not a mere *brutum fulmen*. It is not an unexecuted power. Your statute-book shows case after case. I believe, in reference to a single Territory, that there have been fifteen or twenty cases where territorial legislation has been disallowed by Congress. Is it, then, can it be said that this principle of non-intervention in the government of the Territories is now to be recognized as an established principle in the public policy of the Congress of the United States?

Do gentlemen recollect the terms, almost of disdain, with which this supposed established principle of our constitutional policy is treated in that last valedictory speech of Mr. Calhoun, which, unable to pronounce it himself, he was obliged to give to the Senate through the medium of his friend, the Senator from Virginia. He reminded the Senate that the occupants of a Territory were not even called *the people*—but simply *the inhabitants*—till they were allowed by Congress to call a convention and form a State constitution.

Mr. President, I do regret that it is proposed to repeal the eighth section of the Missouri act. I believe it is admitted that there is no great material interest at stake. I think the chairman of the committee [Mr. DOUGLAS], the senator from Kentucky [Mr. DIXON], and perhaps the senator from Tennessee [Mr JONES] behind me, admitted that there was no great interest at stake. It is not supposed that this is to become a slaveholding region. The climate, the soil, the staple productions, are not such as to invite the planter of the neighboring States, who is disposed to remove, to turn away from the cotton regions of the South, and establish himself in Kansas, or Nebraska. A few domestic servants may be taken there, a few farm-laborers, as it were, sporadically; but in the long run I am quite sure that it is generally admitted that this is not to be a slaveholding region; and if not this, certainly no part of the Territory still further north.

Then, sir, why repeal this proviso, this restriction, which has rested upon the statute-book thirty-four years, which has been a platform of conciliation and of peace, and which it is admitted does no practical harm? You say it is derogatory to you; that it implies inferiority on the part of the South. I do not see that. A State must be either slaveholding or non-slaveholding. You can not have it both at the same time; and a line of this kind, taking our acquisitions together, considering how many new slave States have sprung up south of the line, and how few non-slaveholding States north of it, makes a pretty equitable division between the slaveholding and the non-slaveholding States. I can not see that there is anything derogatory in it—anything that implies inferiority on the part of the South. Let me read you a very short letter, which I find in a newspaper that came into my hands this morning, just before I started to come to the Capitol. It is a very striking one. It was written by the Hon. Charles Pinckney, then a distinguished member of the House of Representatives from South Carolina and addressed to the editor of a newspaper in the city of Charleston:—

CONGRESS HALL, *March* 2, 1820,
3 o'clock at night.

DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri and all Louisiana to the southward of 36 deg 30 min. free of the restriction of slavery, and *give the South, in a short time, an addition of six, and perhaps eight, members to the Senate of the United States.* It is considered here by the slaveholding States as a great triumph. The votes were close—ninety to eighty-five—the vote was so first declared—produced by the seceding and absence of a few moderate men from the North. To the north of 36 deg. 30 min. there is to be, by the present law, restriction, which you will see by the votes I voted against. But it is at present of no moment; it is a vast track, uninhabited only by savages and wild beasts, in which not a foot of the Indian claim to soil is extinguished, and in which, according to the ideas prevalent, no land-office will be open for a great length of time.

With respect, your obedient servant,
CHARLES PINCKNEY.

So that it was thought at the time to be an arrangement highly advantageous to the southern States. No land-office was to be opened in the region for a long time; but that time has come. If you pass this bill, land-offices will soon be opened; and now you propose to repeal the Missouri compromise!

A word more, sir, and I have done. With reference to the great question of slavery—that terrible question—the only one on which the North and the South of this great Republic differ irreconcilably—I have not, on this occasion, a word to say. My humble career is drawing near its close; and I shall

end it as I began, with using no other words on that subject than those of moderation, conciliation, and harmony, between the two great sections of the country. I blame no one who differs from me in this respect. I allow to others, what I claim for myself, the credit of honesty and purity of motive. But for my own part, the rule of my life, as far as circumstances have enabled me to act up to it, has been, to say nothing that would tend to kindle unkind feeling on this subject. I have never known men on this, or any other subject, to be convinced by harsh epithets or denunciation.

I believe the union of these States is the greatest possible blessing—that it comprises within itself all other blessings, political, national, and social; and I trust that my eyes may close long before the day shall come—if it ever shall come—when that Union shall be at an end. Sir, I share the opinions and the sentiments of the part of the country where I was born and educated, where my ashes will be laid, and where my children will succeed me. But in relation to my fellow-citizens in other parts of the country, I will treat their constitutional and their legal rights with respect, and their characters and their feelings with tenderness. I believe them to be as good Christians, as good patriots, as good men, as we are; and I claim that we, in our turn, are as good as they.

I rejoiced to hear my friend from Kentucky [Mr. DIXON], if he will allow me to call him so—I concur most heartily in the sentiment—utter the opinion, that a wise and gracious Providence, in his own good time, will find the ways and the channels to remove from the land what I consider this great evil; but I do not expect that what has been done in three centuries and a half is to be undone in a day or a year, or a few years; and I believe that, in the mean time, the desired end will be retarded rather than promoted by passionate sectional agitation. I believe, further, that the fate of that great and interesting continent in the elder world, Africa, is closely intertwined and wrapped up with the fortunes of her children in all the parts of the earth to which they have been dispersed, and that at some future time, which is already in fact beginning, they will go back to the land of their fathers the voluntary missionaries of Civilization and Christianity; and, finally, sir, I doubt not that in His own good time the Ruler of all will vindicate the most glorious of his prerogatives,

"From seeming evil still educing good."

SPEECH OF THE HON. TRUMAN SMITH, OF CONN.,

IN THE SENATE, FEB 9, 1854.

Mr. SMITH said

He seldom took part in the debates. He preferred to discharge his duties with as little speaking as possible. He departed from this course in the present instance only because of the magnitude of the evils which would result to the country from the passage of this bill. He had been in Congress fifteen years, and during that time no man had taken a less part than he in the agitation of the sectional questions which were introduced into Congress to distract the national councils and the peace and harmony of the Republic. He had made but one speech on the subject, and that was on the day before the death of Gen. Taylor, in 1850. He had always contented himself with silent voting yea or nay. His vote, however, had always been in accordance with the preponderating sentiment of the North. He had never been a Northern man with Southern principles, and he never had any confidence in any man who was. Unfortunately, there had been thrust into this bill a Slavery provision, and he thought it ought to be excluded by the unanimous vote of the Senate. But he would endeavor to show the Senate that there were objections to this bill independent of the question of African servitude, which ought to overrule the bill. He hoped to be able to show the Senate that this bill ought to be put down, and then the Slavery question would be settled. Was it wise or expedient to organize two Territories when there were five already on hand? Never before in the history of this country were there so many Territories organized at one time. Why the bill for the Territory of Washington had passed through last Congress without any objection was to him incomprehensible. There were five Territories now actually organized, and yet the Senator from Illinois proposed to add two more, making the number seven. Where is the necessity for this? There could be no other reason to make the Senate go this extravagant proposition except the negro question. There were more lands now belonging to Government than could be occupied for years to come. Nearly one half of all the new States were yet public lands, and a large portion of what is sold was now in the hands of speculators. If these were not enough there were the five Territories already organized. Minnesota had but few inhabitants. She had an extent of Territory large enough for several States; so with Washington and Oregon. As for Utah and New Mexico, he would say nothing, for he did not believe any man, nor even a sensible, respectable wolf, would go to either to settle there. (Laughter.) Utah was one of those five bleeding wounds which were to be healed by the Compromise of 1850. It was healed, and it resulted in the establishment of the complete domination there of Brigham Young and his forty wives. (Laughter.) There was but little difference between that and slavery. Between polygamy and African slavery he saw but little difference, if any. (Laughter.) If this were only a part of the policy of the Administration, which had taken Abolitionists and Free Soilers to its bosom, to try their faith, he did not know but he would be inclined to forward it, but before doing so he would ask time to consider. He desired to say that this attempt to smash up the Missouri Compromise, before it succeeded, would have to smash up a good many other things. It was said that these territorial Governments were necessary in order to secure a transit for men and things across the Pacific. Military posts would accomplish all this, but the only means of securing a transit was the construction of the Pacific Railroad, for which he had struggled at the last session. The only true way to effect a transit was a railroad. He did not care whether it was North or South, even if down in Texas, so he got the road. Although so many compromises were broken, he would still almost consent to make another. He would almost say, give the Pacific road and take the Territory. During the last four years nearly one million of dollars had been appropriated for the Territories, and that, too, when one only had been in existence four years, and one for six months. Every Territory got an outfit of $50,000, besides appropriations for buildings. The annual expense of each Territory is $30,000. Lest the expense of the five Territories might not be sufficient, the Senator from Illinois now proposed to create two additional ones. In addition to these would be the expense of extending postal facilities and extinguishing the Indian title. Yesterday all the appropriations in the bill had been stricken out. He knew no reason for this. It looked, however, very much like a preparation for rushing this bill through the other House. It looked like a preparation for the application of what was known in the other House as a gag to effect the passage of this bill. Upon the establishment of these Territories would follow the necessity for an increase of the army to suppress Indian hostilities and protect the people. All these matters would swell to a large amount the increased expenditures occasioned by the organization of Territories. The bill provided for the election of officers, and the qualification of voters. A condition of both was that they should be inhabitants. It was said that there were six hundred persons in the Territories. Under the laws of the United States there were no persons there who were inhabitants—there were undoubtedly some who were bodily within the Territory, but there were none who could be legally regarded as inhabitants. He read the act of Congress regulating intercourse with the Indians, which ex-

cluded all persons from residing as inhabitants and occupying any part of the Territory set apart for the Indian tribes. The only persons allowed there were those traders who were duly licensed by Government, and whose licenses were limited to three years. He read from the remarks made in the House by Mr. Hall, of Missouri, at the last session, in reply to objections that there were no white persons in the Territory. Mr. Hall said, that the reason why there were no white persons there except traders, was that if a man did go there, he would be hunted out by the dragoons. There were then no persons in Nebraska or Kansas, but licensed traders, and they were no inhabitants. When he studied law, he always understood that to make a man an inhabitant in a legal sense, he had to effect a permanent settlement in the place he dwelt in, and that, too, without any *animo revertendi*. Yet this bill, to which nothing seems to interpose any difficulty, discovers inhabitants in licensed traders, and in men who, upon their entering the land, are hunted by dragoons, armed to the teeth and with sword in hand. This fault, however, seems to trouble the Senator from Illinois in no way. He says the inhabitants shall choose officers, and when the Government seeks to find the inhabitants, it must catch them flying before armed dragoons, being hunted for their lives. In the effort to explode and blow up the Missouri Compromise the Senator must also blow up these other acts of Congress. It was true that there were small portions of this Territory, the Indian title to which had been extinguished, but he guessed these inhabitants were not to be found there.

There was another act of Congress which the Senator would have to get out of his way before he blew up the Missouri Compromise. It was the act which excluded all persons from occupying or entering upon the unsurveyed public lands of the United States, and which required the President to employ if necessary the military of the United States to expel them. If any one of the inhabitants, therefore, escaped the dragoons it was the duty of the President to send other troops there to catch them and expel them. The Senator from Illinois was the most prolific man he ever knew in getting Territories. [Laughter.] Every year he called the attention of the Senate to the parturition of a Territory, and sometimes they come two at a time—[loud laughter]—and that too when he had a whole litter of them on hand. [Laughter.] He desired to give the Senator some suggestions as to how to prepare himself for the next parturition. [Laughter.] The Senator should first extinguish the Indian title and have the lands surveyed, laid off, and to some extent inhabited, and when he got all things in this condition, he then might go it blind if he chose. [Loud Laughter.] He (Mr. Smith,) however, objected to contributing his quota toward defraying the expenses attending these reported parturitions of Territories. [Laughter.] There being no inhabitants there, as inhabitants are defined by law, then there were no persons to elect officers, or from whom officers could be selected. The Governor of the Territory was required to divide it into districts. He would like to know how the Governor was to district this Territory. He might select a log cabin at the head of some branch and call that district number one, and then take another wherever he could find it and call it number two, and so on, running the lines in such a manner as to have a district for every cabin. If the lines were drawn upon a piece of paper, there would nothing more be necessary to show the whole thing to be a farce. He then read the provisions of the several treaties by which the Indians had consented to leave the homes and graves of their fathers and go west of the Mississippi to this Territory, and mentioned that the solemn faith of the nation was sacredly pledged in the face of God and man to leave them forever undisturbed in this permanent home provided for them. The bill of the Senator was equally as dexterous in surmounting this difficulty, as it was in other respects. It first described the boundaries of the Territories, including within them the Indian possessions. It then said the Indians should not be included in the Territories until such time as they should signify to the President their wish to be so included. Here was singular legislation. Everything in these days was done, not by positive legislation, but by provisoes. He had but little regard or respect for any proviso, not even the celebrated "Wilmot Proviso." This bill first included the Indians, then put them out, and then allowed them to come in, when they signified their desire to do so. It first jerked them into the Territory in violation of all treaty stipulations; it then shut them out again, and immediately pulled them back again under a signification to the President, and all this was done in a proviso.

Mr. SMITH quoted from the speech of Mr. Webster in which he opposed agitation North and South, and declared his devotion to the Union. This was the platform on which he (Mr. Smith) now stood. He was opposed to anti-Slavery agitators and pro Slavery agitators. No man could say he was actuated by sectional motives in stubbornly opposing this bill. He had voted against the Nebraska bill of last year, when it contained an approval or sanction of the Missouri prohibition. He had voted with five other Northern Senators against taking it up, and afterward he had with four other Northern Senators' votes, laid it on the table and killed it. He was somewhat surprised now to see some of those who then voted with him prepared to vote for this measure at this time. It looked to him very much as if this course was adopted by them because this Slavery clause was in it. He did not believe that if this bill was not sweetened by this negro provision it would be allowed to live in the Senate a half hour. The Slavery question overshadowed all things. This bill re-enacted the fugitive slave act five times. But if it re-enacted the Missouri prohibition and the Wilmot Proviso both five times over he would not support it. He was and always had been utterly opposed to agitation on this subject. He had always and now condemned the introduction of it into Congress where no good but much evil was to be effected by it. He could see no reason or motive for it now. It might be perhaps that as the Administration had cast out Daniel S. Dickinson and his friends into disgrace if not oblivion, and had taken John Van Buren and his Free-Soil allies to its bosom, that an exigency had arisen calling for this policy. Of this however, he knew nothing

definitely, but he was utterly opposed to the measure. He proposed to trace the mutations this bill had undergone since its origin. The bill, as first reported by the Chairman of the Senatorial Committee, contained a twenty-first section, which declared that it was the true intent of this act to carry out to the fullest extent the principles of the acts of 1850, &c., &c. The language of this section he did not understand clearly, or what was meant by it. It would puzzle most grievously a jury of nineteen Philadelphia lawyers to discover its meaning. The Senator from Illinois, himself, had afterward explained the object of the equivocal language. The Senator said that, for himself, he preferred plain and unequivocal language, but there were others, Whigs and Democrats, who preferred that the object of the provision should be stated less distinctly. This section, then, was intended for the tender-footed Democrats and Whigs who, desiring to vote the repeal of the Compromise, wished it couched in such language that they could, according to the respective latitude and longitude of their constituents, swear that it did or did not repeal the Missouri act. The bill remained in that way one week, and, in the meantime, Mr. Dixon offered his amendment, which in plain, broad and distinct terms, repealed the Missouri Compromise. The Senator from Kentucky, if he accomplished no other good by offering his amendment, had brought the Senator from Illinois up to the scratch, and nothing could be better than making a politician toe the mark. The Senator then reported a new bill, which embraced the repeal of the Missouri act because it had been superseded by the acts of 1850. This lasted but a short while and it was found it did not answer. The Senator then held a council of war of the friends of the bill, and prepared an amendment, which is now pending. This amendment declares the time-honored Missouri compact void and inoperative. It was Illinois who proposed that compromise, and he was sorry now to see Illinois strangling her own offspring. This amendment, prepared in the council of war, was a most singular one. It stated that the Missouri act, being inconsistent with the principles of the acts of 1850, commonly called the Compromise measures, was void and inoperative, it being the design to recognize the principle established by those acts of Congressional non-intervention, &c., &c. He had studied law to some extent. He had learned in his reading that there were many things contained in the statutes. He had heard of preambles, of enacting clauses, of provisos, but never before had he heard of an enactment with a peroration. [Laughter.] This peroration to the enactment was after the style of a tail to a kite. With as much propriety might the Senator have added to the enactment a portion of his Chicago speech, where by the force and power of oratory, he had resisted the fanaticisms of a mob and put down a riot. The question put by the Senator from Massachusetts was perfectly right. If it was the design to repeal the Missouri act, why not say so directly? Why attach to it this peroration? Why should Congress use this language, and twist and squirm round and round the question, and then declare it void and inoperative? Why not say directly, "It is hereby repealed," and thus act openly? If the Missouri Act was to be blown up, let it be done. He would resist. He intended to act like a gentleman. [Laughter.] He would get up no riots, no mobs. Where is the necessity for saying the deed was done because such and such a principle was inconsistent with such and such an act? Reasons might be necessary for the Senator from Illinois to justify the act before the North, but the South did not care for the Senator's reasons. All it wanted was the repeal, and it did not care a straw what reasons the Senator or other Northern men could give for the act. Mr. Smith said after he had completed his law studies he settled down in the beautiful village of Litchfield, where there were many very pretty young ladies. Old Governor Wolcott, who was a most amiable gentleman, and who had been in the administration of Washington and Jefferson, got into a law-suit with a petty bank in that village. The bank, by way of securing the case, employed all the lawyers in the place but himself, (Smith) supposing him not to be of sufficient importance to be afraid of. For this reason he got the management of Mr. Wolcott's case. The old Governor was one of the most honorable, upright and sincere men he had ever known—utterly opposed to all artifice, cunning, chicanery and trickery. He was a frank and straight-forward spoken man—in short, a real specimen of New-England character. [Loud laughter.] I mean old fashioned New-England character. [Renewed laughter.] I wish, Sir, to be understood as meaning *real* New-England character, not such as it is after being transplanted to Illinois. [Laughter.] During the lawsuit I used frequently to see Gov. Wolcott, and on every occasion he used to say to me, "Mr. Smith, whenever a man gets an idea that he is cunning he is ruined." He (Mr. Smith) was utterly opposed to cunning legislation. He was opposed to making an enactment adding to it excuses. The South wanted no excuses; they wanted the act. Why not, then, speak the matter out plainly? He did not know, however, that he would dispute much about the matter, if it was admitted that this peroration was inserted for the accommodation of the Senator from Illinois, who had already brought into the world five territories, and was loaded to the muzzle with two more. [Laughter.] The Senate should deliberate well whether the Missouri act was to be repealed. If it should be, then it ought to be by a separate act, and not be made the means of carrying through a measure which, without it, was opposed and killed by the South at the last session. This repeal of the Missouri act had not been expected by the country. Nothing had been said about it in the newspapers prior to the meeting of Congress. While speaking of the newspapers he wished the Senate to notice the very discordant tunes which had been played by the Government organ on this subject. The Senator from Kentucky had been denounced by it as an agitator for proposing the repeal of the Missouri Compromise, and the Senator from Illinois lauded to the skies for proposing the middle course. The Senator from Illinois, compelled to toe the mark, had adopted the repealing clause, and the organ sounds forth that it, and it only, is the proper measure. The organ changed every time the Senator did. It appeared to him that the organ was more the organ

of the Territorial Committee than of the Administration. He denied the correctness of the Senator's remarks that the Territory of Iowa was not prohibited from acting on the subject of Slavery.

Mr. DOUGLAS said that what he had meant was, that the power was given to the Territory to legislate upon all rightful subjects of legislation, and no exception as to Slavery.

Mr. SMITH said that Slavery was not a rightful subject of legislation where Congress had prohibited it. The Senator could not get out of the question that way. He would undertake to drive the Senator off the field on that point, even before any two-penny Justice of the Peace in Illinois. He then referred to the Missouri Compromise, the circumstances under which it was adopted, the zealous support given to it by Mr. Clay and other Southern statesmen. Under it the South had got Missouri, Arkansas and Florida. The Senator from Kentucky had declared to the country that this proposition came not from the South but from the North, and coming from the North he could not but accept it. The result would perhaps show the Senator that he was mistaken in supposing the North had offered any such thing. No man could speak for the North. The Chairman of the Committee might possibly speak for the southern half of Illinois, but not for the whole North. Before speaking for the North, in offering the repeal of the Missouri act, the Senator from Illinois should be sure that he had a majority of the Committee on Territories in its favor. That Committee consisted of six Senators, two of whom had expressed their disapprobation of the bill, and there would in all probability be another who would follow their example. If this should be the case the bill was before the Senate without a majority of the Committee in its favor, and ought to be put out. Suppose that upon voting on this bill it should appear that a majority of the Northern Senators were against it, ought not the Senator from Kentucky, who votes for it because offered by the North, vote against the bill.

Mr. DIXON—I'll ask you a question. Suppose a majority of the Northern Senators do vote for the bill, will you do so?

Mr. SMITH—I will answer that question whenever I put my opposition to it on the ground that it is a proposition offered by the North to the South. I deny the fact. The Senator will find out perhaps before this bill is done with, that the North never had any idea of offering the repeal of the Missouri Compromise. He may find it out by the votes of the Northern Senators. He will find it out by the Northern votes in the House. Before this bill is passed it will be pretty fully ascertained that the Senator from Illinois does not carry the whole North in his breeches pocket. No, not by a—by a—by a—

VOICE—A jug full.

Mr. SMITH—Yes, that is the very word. [Great laughter.] He then gave his views on the subject of the Slavery agitation. He was entirely opposed to it. He knew well that no good could be accomplished by agitation; on the contrary great evils and dangers to the peace of the people, as the safety of the Union would result from it. He was utterly opposed to its introduction into Congress at any time, but particularly in this manner at this time, and in this bill. In the last Congress the Senator from Illinois told the Senate that he had made his last speech on Slavery. What an unfortunate thing it was that his promise had not been kept. [Laughter.] It was a great pity that the Senator did not stick to that assertion: for, if he had, this bill would never have come up, and the agitation would have been kept out of Congress. He denied most positively that there was anything in the acts of 1850 having the remotest effect upon the Missouri act. He challenged the Senator to produce a single word to sustain the assertion that at any time any one thought those acts, in principle or otherwise, affected the Missouri Compromise. If the Senator could produce such a word he would abandon the issue. If Mr. Clay were now alive his eye would flash with indignation, his eloquent lips pour forth their powerful denunciation against this wanton violation of the Compromise of 1820, against this reckless perfidy. He regretted that there were no statesmen of this day exalted and elevated above personal considerations to rise, rebuke and restrain, as Mr. Clay and Mr. Webster did, the wild fanaticism of the North and the South. The Whig party no longer stood forth to resist it. There seemed to be a rivalry, a perfect competition, between Southern Whigs and Democrats, as to who should first rush into the support of this repeal. Mr. Clay's view of the Compromise of 1850 was that the North and South should share equally, neither getting advantage over the other. That was the exact result of it, as told by the Senator from Illinois, in his speech at Chicago. Did the Senator from Illinois understand in 1850 that the Missouri Compromise was done away with in principle? If he did, why did he not say so in his report? If he thought so, why did he not tell the people of Chicago so when he addressed them? Had he told them that fact, perhaps he would not have succeeded so well in quelling the mob, or in putting down the contemplated riot. His bill provided for the appointment of a Governor and Judges by the President of the United States. He would undertake, now, to demonstrate that the New Mexico and Utah acts did not give the people of those Territories full power and control over the regulation of their domestic institutions. If those acts did not, the Senator would not ask it for this one. The Utah and New Mexico acts gave to the Governors a veto on the legislation of the Territory. It gave Congress a veto on the acts of the Governor and Legislature. Who were the Governors and Judges? They were the creatures of the Administration for the time being. But, to examine the question more particularly, the Senator has declared that by the acts of 1850 the people of Utah had been given full power to regulate all their domestic institutions and relations in their own way, uncontrolled except by the Constitution of the United States. He could not say that polygamy was prohibited by the Constitution, in express terms. [Laughter.] Would the Senator from Illinois venture to tell the Christian people of the United States that Congress had given, by the Compromise of 1850, the full power to establish polygamy? or that it had given Brigham Young a power of attorney to have forty wives for himself and a proportionate number for the rest of his crew?

[Laughter.] If the Senator (Mr. Douglas) was correct, the people of Utah had full power to regulate their domestic institutions, then was not this establishment of polygamy under the kind auspices of the Chairman of the Committee on Territories? The Senator was not alone in his ideas. It appeared that in a council of war held on this bill by its friends, it had been solemnly decided, upon due consideration, that the acts of 1850 gave the Utah people full power to regulate their domestic institutions, that Brigham Young and all his crew may practice polygamy and have as many wives as they pleased. It was to be hoped the President of the Senate was not in that council. [Loud laughter.] He intended to expose this business of polygamy and explain its *modus operandi*. [Loud and long continued laughter.] What he meant was that he intended to explain how it was that Brigham Young and his crew practised polygamy. [Renewed laughter.] If any one supposed evil from any suggestion of his, he desired it to be done on that person's responsibility and not on his. [Loud and boisterous laughter, continuing for several minutes.]

The CHAIR appealed to all present to preserve order and avoid demonstrations unbecoming the Senate.

Mr. SMITH—Suppose the Legislature of Utah should, among their legislative acts, send to Congress a bill formally establishing polygamy and giving Brigham Young forty and all others fifteen wives, would the Senator from Illinois suffer it to be approved in silence? Would he not rather pick it up with a pair of tongs and thrust it out of the window? If he did this, and it would be nothing more than could be expected by the Christian and moral sense of the Union, would not the Senator be violating that principle of self-government and Congressional non-intervention in the domestic institutions of the Territories? Well, supposing that polygamy is thus established, and they go on increasing—yes, increasing, multiplying and replenishing the earth most rapidly, as they can and will do with polygamy, [laughter] and they apply for admission into the Union, are they to be admitted? If they do not provide for polygamy in their Constitution it may form part of their common law, and are they to be admitted with this "domestic institution," regulated by themselves, as the Senator says they have the power to do? The Senator cannot deny them without denying his own position; and now the people of the United States are to be told that the establishment of polygamy and the exclusive right over the subject has been put into the hands of Brigham Young and his crew, and they are to be admitted into the Union without objection because of some hidden, unknown principle contained in the Compromise of 1850, and never heard of until discovered by the Senator from Illinois. If admitted, and the Senators and Representatives came here, were they to be allowed to bring their forty wives each with them? [Laughter.] The Senator would not prevent a man having his wives with him, certainly. [Laughter.] If they brought them here he would, above all other things, like to see the Senator from Illinois in one corner of an omnibus and Brigham Young's forty wives in the other. When Brigham came here as a Senator, with Snooks, his colleague, each with his forty wives, would the Senator from Texas, who was so gallantly disposed toward ladies, move to admit them to the floor of the Senate, to hear the Senator's speeches? [Laughter.] Would not this lead to a change in the system of compensation and mileage? He had long experienced that the present pay and mileage of Senators, who had but limited families, was altogether inadequate, and that some just and equitable discrimination should be made between them and those who experienced profound solitude; but if this were the case under present circumstances, what ought not to be done in behalf of those who had establishments numbering forty or fifty wives? Present pay and mileage would be altogether insufficient. The least the Senator from Illinois could do would be to propose to give each wife two dollars a day. [Laughter.] Was it not manifest that the idea that these people were entrusted with the sole and exclusive power of regulating all their domestic institutions, was an absurdity? He referred to the fact that New Mexico had sent hither a Delegate who could not speak one word of English, and that a proposition had been gravely made in the other House to employ an interpreter to explain to him the turning-ins and turning-outs of the proceedings of that body. He knew no use that the person could be put to except one. He would appoint him sole orator on negotiations, and have a man armed with Colt's revolvers to shoot down any other man who would open his lips on that subject. With the power to appoint the Governor of these Territories, he could keep (under the operation of the veto) Slavery out of the Territories forever. He denied that Mr. Douglas's amendment, extending to 36 deg. 30 min. to the Pacific in 1848, was defeated by Northern men with Free-Soil proclivities. The whole Northern sentiment was against it, and all Northern votes, with few exceptions, against it. It could not be charged that they who voted against it were men with Free-Soil proclivities. In 1850 it was as right to extend the line to the Pacific as it was in 1848. Yet the Senator, upon two propositions to run the line, voted against them. The Senator now proposed to blow up the Compromise, because it was not agreed to in 1848. Why did he vote against it in 1850? The whole policy of the Compromise of 1850 was to leave the question of Slavery in *statu quo* just where Congress found it. The present Secretary of War moved to amend by declaring null and void all laws prohibiting the emigration thereof, of any citizen of the United States with property, and the Senator from Illinois voted against it. He regarded Mr. Clemen's letter, published to-day, as a just and true exposition of this measure. He intended to retire, possibly before the close of this session, from public life, and seek repose and consolation in private life. He would hereafter take no active part in any political agitation or elections. The Democratic party had the Executive and both branches of the Legislature. Was it, then, good policy to interrupt all business by a renewal of this agitation? A bad beginning had taken place in the House. The Deficiency bill, which had occupied weeks, had been killed, and time and labor lost. Let this negro question go there, and Sena-

tors would see in the House a perfect insurrection —North and South warring, one upon the other. He ventured to assert that this bill after all, would not pass. It might pass the Senate, but when it reached the House, the gag would not succeed, and the bill would, for the rest of the session, stand in the way of all other business, and finally be lost. The passage of this bill would explode the platforms of both parties, and the parties themselves. He would never have anything more to do with political conventions. Both parties had adopted platforms to abide by the Compromise and now both parties exploded them. Hereafter he would fight on his own hook. In his retirement he would take with him a platform adopted by the Democratic Convention of June 11, 1846, held at Concord, N. H., which platform was drawn up by the present President of the United States. That platform declared the adherence of the Democracy to the principles of that party from 1776 down; as to the question of Slavery, it said: "That while they deplored its existence as a moral and social evil, they would be forbearing to others, and would not consider themselves wiser than Washington, Franklin and Jefferson." He agreed with every word of this platform. He would stick to it if the President did not. How could the President support this bill to extend to Nebraska a great moral and social evil? How could the Senator from Illinois ask the President to do so? He supposed the reference to Franklin and Jefferson was the petition signed by the former and presented to the first Congress for the abolition of Slavery and the declaration of the latter that "all men are created equal." In his future career he would avoid all agitation on the subject of Slavery. His father, whom he followed to his grave in 1829, he remembered was a slaveholder. All his early recollections were connected with the institution. His personal observations of the kindness, gentleness and providence with which slaves were treated by a majority of their masters, and the grateful acknowledgments of kindness and affection by the slaves to their superiors, had done much in his mind to mitigate the evils; but still he did not regard it as a desirable institution, or one that ought to be extended. The repeal of this Compromise would not benefit the South. Why then throw a firebrand to the demagogues at the North which would arm them with power? If this bill were passed he never desired to see another Whig Convention, nor did he think the Democrats ought to have another. They had better shake hands and go back to their original elements and forget all other party associations. If the North has to be sold out, he preferred to choose his own master. If compelled to select one he would prefer a high-toned Southern gentleman. He would then be sure of humane treatment. He would never select for his master a Northern demagogue or doughface. He would not have to rule over him one of these fellows called Yankees, who leaving their own country go down South, become the hardest tyrants, and are selected as the best overseers. He would put no trust in any Northern man with Southern principles. Martin Van Buren was one of these. He had gone so far once as impudently to intimate to Congress his intention to repeal an act on the subject. Where did he bring up? Why, on the Buffalo platform, surrounded by the very worst of all fanaticism. All things were accomplished now in the name of democracy. He had a strong idea of becoming a Democrat himself, if this bill passed. His democracy of late had become exceedingly rampant. The Whigs were now less than one-third of the body, and in two years would be less than a quarter of it. If this bill passed, they might as well separate entirely. Let an independent party be framed, of men who would put down demagogues and negotiators. This bill was a move on the political checker-board. It had, as it appeared to him, considerable reference, if not to the exigencies of the present administration, at least to some future Presidential election—in 1856 or 1860. With the Concord platform written by the President in 1846, an independent party might be formed. He would have no objection to putting it under the banner of the Senator from Texas, and completely routing the demagogues, North and South. He would not hunt runaway negroes, but he would hunt demagogues and doughfaces, and put down every man, North and South, who should dare to introduce the question of Slavery into Congress. Of course, in all these remarks, he had no reference to any one in the Senate. [Laughter.]

SPEECH OF THE HON. MR. BADGER OF N. C.

IN THE SENATE, FEB. 16, 1854.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to organize the Territory of Nebraska, the pending question being on the amendment submitted on the 15th instant by Mr. CHASE, to add to the 14th section of the substitute reported from the Committee on Territories, as amended on the motion of Mr. DOUGLAS, the words:

"Under which the people of the Territory, through their appropriate representatives, if they see fit, prohibit the existence of slavery therein."

So that the part of the section relating to that matter would read:

"That the Constitution and all laws of the United States which are not locally applicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States; except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principles of non intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States, under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

Mr. BADGER. Mr. President, like my honorable friend from Massachusetts, [Mr. EVERETT,] I had a strong, and to my mind, insuperable objection to the substitute to the bill as it was originally reported to the Senate, upon the ground that I thought it did not effectually provide for maintaining the public faith of the nation towards the Indians, and their possessions, within the boundaries of these Territories. Like him, I felt, and feel that every measure, not only of justice, but of kindness and consideration, should be extended to the remnants of those men who were originally powerful and warlike; who once possessed a large portion of the original States of the Union; but who now, dwindled in number, and enfeebled in power, have, under our authority, been gathered upon this territory west of the Mississippi, far from the original homes of their ancestors, under a guarantee that they should not be dispossessed of their new possessions.

I thought the substitute as originally reported did not, in effect, provide for requiring from these Indian tribes a free and voluntary consent, before territorial governments should be established over them. Not doubting at all that it was the intention of the honorable chairman who reported this bill, and of the committee at the head of which he is, to afford such guarantees for a free consent on the part of the Indians, and to assure to them the exercise of a real free will in determining upon the question, I still thought that, as the bill stood, there would be no guaranty to accomplish that purpose. I thought, and I still think, that, if we suppose these territorial governments established, and the Governors of the Territories respectively made *ex-officio* the Superintendents of Indian Affairs, with all the appliances and means of those territorial governments brought to bear with, in fact, an overpowering force upon the exercise of the will of those tribes, it would be a mockery to ask them to consent, when the practical power of refusal was in substance withheld. Therefore, if the substitute had remained in its original condition, no earthly consideration would have induced me to give in my support; for I consider a fair and untainted reputation, as it is the most valuable possession of an individual in private life, the strongest safeguard of a nation.

But, sir, that substitute, upon the suggestion of the Committee on Indian Affairs, upon amendments proposed by its chairman, has been relieved of those obnoxious provisions, and I think it does now substantially assure to us the exercise of a free and independent will on the part of the Indian tribes. All control over them is entirely taken from the territorial authorities. Though included geographically within the bounds of these Territories, politically they are to all purposes out of them, and are not, in any respect, brought into contact with, and will not have any transactions, or business, or dealings, with the territorial authorities, as such. The full, entire, and complete jurisdiction of the President of the United States, and the officers of his appointment, irrespective entirely of the territorial organization, is continued and reserved; and the acts passed for their secur-

ity and reënacted, and reaffirmed; and every reasonable precaution has been made to satisfy that plain demand upon our honor, that what is asked from them they shall be at liberty to refuse.

I know, sir, every gentleman is obliged to know, that every Indian tribe is more or less subject to influences in the transaction of business respecting their condition and their property, which it is not in the power of the Congress of the United States entirely to dissipate and remove. It is possible that the President of the United States, acting under the authority conferred upon him by law, and reserved to him by this bill, may appoint agents who will be guilty of the most unworthy contrivances, means of compulsion, or arts of persuasion, which may result in really depriving the Indian of the fair and just exercise of his own independent will; but I am not to presume that any such use will be made of power. A President of the United States who would be guilty of such conduct would be justly handed down to posterity with indelible ignominy upon his character, and stand recorded to the remotest generations as a reproach to the character of the country which gave him birth, and honored him with its confidence. As this, however, is not to be presumed, and is not to be believed, I say that I think all reasonable precautions have been taken which can be demanded of us to insure a fair, and just, and free exercise of the power of assent or dissent.

Again, Mr. President, I sympathized in the view expressed by my honorable friend from Massachusetts, [Mr. EVERETT,] that perhaps there was no necessity for immediate action in respect to the establishment of these Territories, and that we might, without any serious detriment to the public good, have allowed the present state of things to continue for a few years longer; but then I agree with him that this is, at last, but a question of time. The very necessities of the case, the developments of the country, our acquisitions on the Pacific, the rush of the white population, with or without the approbation of Congress, renders it but a question of time; and I am far from being certain but that it is better, this being, as I think, practically the undoubted state of things, that we should, by some timely and wise legislation, endeavor to do effectually now, what perhaps we may not be able to accomplish a few years hence—extend the restraining influences of our laws over this population—and that, on the whole, it is not unlikely that it is for the interests of the tribes themselves that we should now adopt the proposed legislation.

The public faith, then, Mr. President, being, as I think, sufficiently relieved from all just imputation, the question with regard to time being one of comparative unimportance, and, for the reasons which I have mentioned, not weighing, at all events, strongly against the present adoption of some just system in reference to these Territories, the question then arises, is there anything in this bill which should induce me to reject it, or are its provisions such as commend it to our approbation? Every one must be aware that the real question, and substantially the whole question involved in the consideration of the bill, arises upon the provision which has been incorporated into it, as amended upon the motion of the gentleman at the head of the Committee on Territories, respecting the power of legislation over the subject of slavery. It is supposed, by gentlemen on both sides of the Chamber, that the amendment made yesterday on the motion of the honorable Senator from Illinois, gives an entirely objectionable character to the bill, and we are invoked to refuse to give it our sanction because it involves a violation of the plighted faith of the nation. It is said that this provision is a repeal of the Missouri compromise; that to repeal the Missouri compromise is to violate a common understanding by which the different portions of this country became bound to each other thirty years ago; and that, therefore, we cannot adopt that provision consistently with the principles of good faith. If that were so, I, for one, say, without hesitation, that nothing can be a compensation to us for the violation of the principles of good faith; but then we have to consider whether any such violation is involved in the bill. I propose to show that it is not, and that the language of the amendment, as incorporated into the bill, is true in fact, and that the consequence deduced from it in the particular provision is a just consequence; and that the declaration that the Missouri compromise is "inoperative and void" is the appropriate method and language which should be used for the purpose of producing the effect designed by this measure.

It becomes necessary, in order that I should do this, to recall the attention of the Senate somewhat to the nature and history of the Missouri compromise.

Sir, the nature of that compromise has been, I think, signally misunderstood. It is an act of legislation, to the language of which it is necessary to recur, in order to understand with clearness its intended operation and effect. It is the last section of the act passed on the 6th day of March, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories." The act authorized the meeting of a convention in the month of June, after its passage, to consider the propriety of adopting a State constitution; and if the convention should deem it proper to adopt a State constitution, and if that constitution were republican in its terms, according to the Constitution of the United States, the State of Missouri should be admitted upon an equal footing with the original States; and then, at the conclusion of the act, comes this section:

"SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30′ north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always*, That any person escaping into the same, from whom labour or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his labor or service as aforesaid."

My honorable friend from Connecticut, [Mr. SMITH,] in the argument which he offered here, said that this prohibition was, upon the face of it, intended to apply to territorial organizations, and not to States. Now, I say, that it is plain that it

was intended to apply to all organizations of governments, States or Territories. In the first place, the expression is "all that territory." What territory? Not a territorial political organization, not a portion or district of country, in which a political government had been established under the authority of the United States; but obviously the word "territory" was used in the sense of land or domain; and it meant all that domain which the United States acquired by cession from France under the name of Louisiana. In regard to all that territory, or all that domain, what is the provision of this section?—"That slavery and involuntary servitude shall be, and is hereby, forever prohibited," without reference to any mutations in the political condition of the domain, but it is to be "forever prohibited."

Again, aside from the absurdity of supposing that this strong and emphatic language "forever prohibited," was intended to mean "until they become States," how, upon any system of interpretation, can you, consistently with the view offered by the Senator from Connecticut, make the exception of "the State contemplated by this act?" If the enactment was to prohibit slavery in territorial political organizations, and not in States; how does it happen that out of the territorial organizations we excepted the very State which the act provides should come into the Union?

But, sir, the history of the time shows us what this provision meant. It was a contest whether Missouri should not be compelled by her constitution to exclude slavery. The antagonism was between those who said that Missouri should be allowed to do as she pleased, and those who said Missouri should be controlled in regard to what she should do when she came into the Union. The arrangement effected was to do what? Not to leave to Missouri a privilege which everybody admitted she had, but to leave to Missouri a right which she claimed, the existence of which right was denied, and to relieve her from the restriction or condition which it was proposed by the opponents of the extension of slavery to impose upon her admission into the Union.

But, sir, the meaning to be gathered from this provision is clear, (entirely independent of these two sources for ascertaining its sense,) if we recur to the corresponding provision introduced into the joint resolution for the annexation of Texas. That provision is in these words:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And, in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

That was a clear construction put by Congress, in the year 1845, upon the meaning and interpretation of the exclusion contained in the act for the admission of Missouri, passed in 1820. The last applies as a restriction to States, expressly by name as "States," and the other is a perpetual restriction upon certain described "territory" or domain, without the slightest reference to the political mutations through which it might pass.

In the next place, Mr. President, I think it is abundantly evident that the Missouri compromise was founded upon a certain principle. My friend from Massachusetts said, that he did not see how we could, with correctness, use the language that the restriction in the eighth section of the Missouri bill was inconsistent with the principle of non-intervention established by the legislation of 1850. I think my friend erred. I understand by "principle" any fundamental truth, any original postulate, any first position from which others are deduced, either as principles or rules of conduct. For example, it is obvious that this principle, postulate, fundamental truth, original position, was assumed in 1820 in the passage of the Missouri compromise act, to wit: that Congress should have power to establish a geographical line, and to permit slavery on one side the line and excluding it on the other; and further, that it was expedient that such a line should be selected, and such an exclusion and permission attached to it; and therefore, out of these two positions followed the enactment contained in that statute, that above 36° 30′ slavery should be prohibited, with the implication that south of 36° 30′ it might exist.

That is exactly the view which I have of what is meant in the amendment, which has now been incorporated into the bill by the expression "principle of non-intervention recognized by the legislation of 1850." Some original truth, some proposition admitted or assumed as being within the power of the Legislature, and some position of expediency to use it, must always be supposed, as the reason or foundation upon which the authoritative rule of conduct is given in the law.

Well, then, what was the course to be taken? Here was an act which assumed to fix a line, and to prohibit slavery on one side and impliedly to admit it on the other side of the line. It applied to States as well as Territories; and it was so intended. It was supposed by the framers of that law that they had power to make it perpetual in its application to States as well as Territories. That is the first characteristic of it, or rather one characteristic divided into two heads. The next is this: The Missouri compromise law intended to fix it as a rule for all Territories of the United States. It is applied in terms to all that territory which was ceded by France; but we had no other territory. That was all the territory which we then had, whose destiny was to be settled by an act of Congress. Therefore, the further principle involved was this: They intended to compromise and adjust the question between the different portions of the Union then and forever.

Am I right in this? I think so. There is nothing in the act of Congress, there is nothing that I know of in the contemporary discussions in either of the Houses of Congress upon the subject, which goes to show that the two Houses considered that there was something particular in regard to the territory ceded by France; and that what would be right with regard to that would be wrong with regard to territory which might be ceded by another power. But then we have the Texan annexation commentary upon it. When Texas came into the Union, the Missouri compro-

mise line was taken up and extended through her, as a matter of course; and, as "the Missouri compromise line," under that name, as a compromise line, just as applicable in principle to Texas as to the particular territory to which it had been originally applied. The first was an act of legislation. Of course, it could govern nothing except what we had. The second was an act of legislation. It took up and applied the rule, which was introduced into the first act, under its name of "the Missouri compromise line," and applied it to the new territory, as a matter of course.

To my understanding, it is clear that when the Missouri compromise line was established, it was intended to apply to all the territory of the United States. If we had had other territory acquired from Spain, or conquered from Mexico, or ceded by Mexico at that time, this line would, of course, have been extended to it. I think it is demonstrable—from the grounds of dictation and resistance on the one side and the other, from the terms in which this contest issued, from the reason of the case, and from the subsequent legislation of Congress, for which no reason under Heaven can be given, except that they were carrying out an established principle—that the principle of legislation embodied in the Missouri compromise was this: That a line in the territories should be selected, and slavery excluded on the one side, and impliedly allowed on the other; and that as we acquired future territory, we should apply that line. One modification of this existing power, which has been one, I think, not of very long discovery, is this: That in truth and reality any exclusion of a power of a State either to admit or to exclude slavery imposed by the Government of the United States must be vain, idle, and inoperative, as an act of power. It is obvious, as I have said, that the men of 1820 thought otherwise. Whether they intended or supposed that this restriction would operate *proprio vigore*, without further legislation, as an exercise of rightful power on the part of Congress, binding by its own proper efficacy; or whether they expected as each new State within this domain in which slavery was prohibited should come into the Union, a "fundamental condition," as it is called, should be annexed to its admission; and whether they supposed that that fundamental condition would itself operate so as, in a proper sense, to restrict the power, or would merely impose an obligation of good faith upon the authorities of the State, we know not; but, to my understanding, it is plain that they intended the exclusion to apply to this domain under all political organizations, and for all time, to be carried out in one or other of these manners.

Now, Mr. President, I propose to show that this principle, upon which the legislation of 1820 was based, was repudiated by the legislation of 1850. I propose to show that the application of the Missouri compromise to State and Territory was insisted upon by the southern members of the Senate in many, very many cases; that we asked nothing, we sought nothing, but the simple recognition of the Missouri compromise line, as carried still further out upon its original principle, and that it was refused us; and that the territorial governments established in 1850 were constructed utter disregard of the Missouri compromise. If I can succeed in showing that, I shall then contend that it is unreasonable, that it is idle, it is absurd—I use the terms in no offensive sense—for gentlemen to call upon us to maintain a compromise which has been repudiated and disavowed by themselves.

But before proceeding to examine that legislation, I wish to call the attention of the Senate, for a moment, to what I consider the very small respect that was paid to what is called the Missouri compromise in less than a year after it was enacted. On the 6th of March, 1820, this bill was approved, and under it Missouri was to come into the Union as a State, on an equal footing with the original States. Well, sir, her convention met, they formed a constitution; they sent it there. Nobody disputed that it was a republican constitution, and the Senate passed a bill immediately for the admission of Missouri, or declaring her admitted into the Union, upon an equal footing with the original States. It went down to the House. What became of it? It was rejected by the House. Upon what principle was it rejected?

Now, sir, consider for one moment. We are told that in the session of 1819–'20 there was a difficulty about the admission of Missouri, because the representatives of certain portions of the United States wished to dictate to that State the exclusion of Slavery; and finally it was agreed that the State should be admitted into the Union with the exercise of her own power and discretion upon that subject, provided that slavery should be excluded from the rest of the territorial domain acquired by the cession from France. That was the bargain. Well, then, does it not follow, beyond all doubt, that if that bargain was to be carried out, Missouri should have been instantly admitted after the formation of her republican constitution? But this was not done. The bill to admit her was rejected; and rejected why? Because she had introduced into her constitution a provision authorizing or directing her Legislature to provide by law to prevent the immigration of free negroes and mulattoes into the State. It was insisted that free negroes and mulattoes were citizens of the United States, and had a right, under the Constitution of the United States, to go into Missouri; and inasmuch as this prohibition was contrary to the Constitution of the United States, they refused to admit Missouri into the Union.

Well, now, look at this matter. If this provision in the constitution of Missouri was not in violation of the constitution of the United States, she had the power to make it; and as far as these objecting representatives were concerned, she had a right to make it. If she did not think that free negroes and mulattoes were the best associates for her white or her black population, she had a right, by a provision of law, to select the company, color, and description that should be allowed to come within her borders; and therefore, it was an attempt to impose a new condition upon the State, in defiance of the solemn compact, whose holiness has been so much invoked and pressed upon us.

Then, on the other hand, suppose these people were citizens of the United States, did not everybody know that if they were citizens of the United States, and had rights under the Constitution of the United States, which were withheld under this prohibition of the Missouri constitution, it was

null and absolutely void? It was, therefore, a needless attempt to fasten a new difficulty on this State, and to exclude her from the Union for doing what I believe Illinois, Indiana, and I do not know but other free States of the Union, have felt themselves compelled to do in order to preserve the bodies politic, which their public authorities represent, from an insufferable nuisance.

Mr. TOOMBS. Massachusetts had such a law on her statute-book then.

Mr. BADGER. My friend suggests that Massachusetts had a law on her statute-book at that very time, prohibiting their coming in. I do not know how that is; but, then, I suppose it is a very different thing between allowing the free negroes to come into Massachusetts, and turning them over into Missouri; that is, supposing it to be so. Then how was the State got in at last? By a marvellous contrivance, to which I must refer. I really think it is one of the most remarkable pieces of humbuggery that ever was palmed off on any legislative body, composed of people who had attained the age of maturity—I do not say those who had come to the age of twenty-one, but those who had passed fourteen, if any such ever acted as legislators. Here is a joint resolution "providing for the admission of Missouri into the Union on a certain condition." What was it?

Resolved, &c., That the State of Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union, shall be excluded from any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States."

In other words, Missouri was admitted upon the "fundamental condition" that the State should agree that her constitution was not paramount to the Constitution of the United States. That is the whole of it. Then mark the next provision of this resolution:

Provided, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act," &c.

I have pointed out the folly, the absolute nonsense—but I suppose it was the best that could be done—of requiring as a prerequisite that the State should declare that the Constitution of the United States was and should be actually paramount to the constitution of Missouri, and that then this declaration of what the constitution of Missouri should be, should be ascertained, how? Not by a solemn public act of a convention, representing, in full sovereignty, the people of Missouri, but by a solemn act of the Legislature of Missouri under the constitution, repealing, if necessary, this provision of the constitution.

Mr. EVERETT. Did not Mr. Clay draw up that provision?

Mr. BADGER. I do not know. I think I recollect hearing Mr. Clay once on this floor say, in substance, that he laughed in his sleeve at the idea that people were so easily satisfied.

Mr. BUTLER. I heard him say it.

Mr. BADGER. Now, Mr. President, I propose to come to the inquiry whether the principle of the legislation of 1820 has not been in fact departed from, overturned, and repudiated. First, sir, I call your attention to an amendment moved in the Senate to the bill to establish the territorial government of Oregon. By reference to the Journal of August 10th, 1848, it will be seen:

"On motion by Mr. DOUGLAS to amend the bill, section fourteen, line one, by inserting after the word 'enacted:'

"'That the line of 36° 30' of north latitude, known as the Missouri compromise line, as defined by the eighth section of an act entitled 'An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories,' approved March 6th, 1820, be, and the same is hereby, declared to extend to the Pacific ocean; and the said eighth section, together with the compromise therein effected, is hereby revived and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense, and with the same understanding with which it was originally adopted.'"

In August, 1848, the honorable Senator from Illinois asked the Senate to recognize and apply the principle, the postulate, the fundamental truth, the assumed position upon which the resolution of 1820 was based, and to carry it to the Pacific ocean. Well, sir, it was carried in the Senate. I must pause here and say that right things are very apt to be carried in the Senate. The vote was—yeas 33, nays 21. I believe that every gentleman representing a southern constituency here voted for that provision. I find the yeas were—

"Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Douglas, Downes, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Sebastian, Spruance, Sturgeon, Tourney, and Underwood—33."

The nays were—

"Messrs. Allen, Atherton, Baldwin, Bradbury, Breese, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Phelps, Upham, Webster, and Webster—21."

The bill went down to the House with that amendment. The House refused to concur in the amendment. You and I both know, sir, the long night of pain and suffering we passed here for the purpose of considering the question, whether that amendment should be insisted upon or receded from by the Senate. I know well that I sat up here one whole night, knowing that the majority of the Senate were resolved to recede, and solely for the purpose—though I would have lost a thousand Oregon bills myself, rather than have receded—of maintaining what I thought the rights of the majority of this body in determining what should be done with regard to this amendment, when it was said there was an understanding among some gentlemen to continue the discussion till there could be no decision, on account of the expiration of the session. I want to show the vote upon receding. "On the question to recede from the third amendment of the Senate," which I have stated, "it was determined in the affirmative—yeas 29, nays, 25."

The yeas were:

"Messrs. Allen, Baldwin, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston

Miller, Niles, Phelps, Spruance, Upham, Walker, and Webster—29."

The nays were:

"Messrs. Atchinson, Badger, Bell, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Metcalfe, Pearce, Rusk, Sebastian, Turney, Underwood, Westcott, and Yulee—35."

We, of the South, were all united originally, and, I believe, but with two exceptions, on the question of receding. We voted together. We preferred losing the bill to losing—what? This very Missouri compromise line. So stood the case in 1848.

Now, sir, in 1850, we have manifold evidences that southern gentlemen upon this floor desired nothing in the world but the Missouri compromise line. Some southern gentlemen thought the line was a constitutional exercise of power; others thought it was not; but so anxious were they that this whole matter should be closed up, and future agitation avoided, that without reference to any difference of opinion upon that subject, all we asked was the carrying out the principle established in 1820, by the continuation of the line through the newly-acquired Territories.

Now I must trouble the Senate by calling attention to one or two of these cases in 1850, not so much on account of the Senate, because we all remember it; but the country ought to know where we stood then, and why we stand where we are now. When we had before us the bill for the admission of the State of California, an amendment was moved by Mr. King, to which I wish to refer. This is a reference to which my friend from Connecticut alluded the other day; it will serve to illustrate what I say of the determined earnestness with which southern gentlemen here insisted upon that very line of 36° 30'. Mr. King, of Alabama, moved an amendment, the effect of which was to make the southern boundary of that State 35° 30'. A motion was made by Mr. Davis of Mississippi, to amend it by striking out "35" and putting in "36," so as to make it the Missouri compromise line, and it was determined in the negative—yeas 23, nays 32. Those who voted in the affirmative were:

"Messrs. Atchinson, Badger, Barnwell, Berrien, Butler, Clemens, Davis of Mississippi, Dawson, Downs, Foote, Houston, Hunter, King, Mangum, Mason, Morton, Pratt, Rusk, Sebastian, Soulé, Turney, Underwood, and Yulee—23."

Then upon Mr. King's original amendment, to make 35° 30' the southern boundary of California, the vote stood—yeas 20, nays 37.

Those who voted in the affirmative are:

"Messrs. Atchison, Barnwell, Berrien, Butler, Clemens, Davis of Mississippi, Dawson, Downs, Foote, Houston, Hunter, King, Mason, Morton, Pratt, Rusk, Sebastian, Soulé, Turney, and Yulee."

Among those who voted in the negative was myself. So resolute was I for insisting upon that particular line of 36° 30', the reason for which I will explain in a few minutes, that I voted against Mr. King's amendment.

Mr. BUTLER. Will the gentleman allow me to say a word?

Mr. BADGER. Certainly.

Mr. BUTLER. I find that the amendment of Mr. King to make 35° 30' the southern boundary of California has been misunderstood. The reason that most of us voted for that line was because it was on the mountain tops. That was the reason given by Mr. King, and the variation from the Missouri line was not material, and it was thought to be the best boundary. Southern gentlemen were perfectly willing, at that time, to take any boundary which would be adhered to in good faith.

Mr. BADGER. I understood that, and of course I did not think that one degree either way was very important; but I was anxious to stick to the Missouri compromise line.

Mr. MASON. Will the Senator read the negative vote on the amendment of Mr. King?

Mr. BADGER. Yes, sir; those who voted in the negative are:

"Messrs. Badger, Baldwin, Benton, Bradbury, Bright, Cass, Chase, Clarke, Clay, Cooper, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Greene, Hale, Hamlin, Jones, Mangum, Miller, Norris, Pearce, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Walker, and Whitcomb."

Again, on the 31st July, the Senate having the compromise bill under consideration—

"On motion by Mr. DOUGLAS to amend the bill by inserting in section five, line five, after the word 'east,' 'by the summit of the Rocky Mountains, and on the south by the thirty-eighth parallel of north latitude.'

"A motion was made by Mr. BUTLER, that the Senate adjourn; and

"It was determined in the negative.

"The amendment proposed by Mr. DOUGLAS having been modified, on motion by Mr. ATCHISON, by striking out 'thirty-eight,' and inserting 'thirty-six degrees thirty minutes;'

"On the question to agree to the amendment proposed by Mr. DOUGLAS, as amended,

"It was determined in the negative—yeas 26, nays 27.

"On motion by Mr. CHASE,

"The yeas and nays being desired by one-fifth of the Senators present,

"Those who voted in the affirmative are—

"Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Clemens, Davis of Mississippi, Dawson, Dickinson, Douglas, Downs, Foote, Houston, Hunter, King, Mason, Morton, Pearce, Pratt, Rusk, Sebastian, Soulé, Turney, Underwood, and Yulee."

Again—for this question was tried in every possible form—on the California bill, Mr. Foote moved to amend by inserting a provision that the State of California should never claim as within her boundaries any territories south of 36° 30', and it was determined in the negative—yeas 23, nays 33. Twenty-three southern Senators voted in favor of this amendment. Then, again, Mr. Turney, of Tennessee, proposed an amendment containing this provision, "that southern limits shall be restricted to the Missouri compromise line, (36° 30' north latitude)," and it was rejected by a vote of 20 yeas and 30 nays.

Again, on the bill for establishing the boundaries of Texas and a territorial government for New Mexico, a motion was made by Mr. CHASE to amend the bill by inserting section 22, line 9, after the word "residents," "nor shall there be in said territory either slavery or involuntary servitude otherwise than in the punishment of crimes whereof the party shall be duly convicted to have been personally guilty;" it was determined in the negative—yeas 20, nays 25.

I will not trouble the Senate with reading these amendments further. One amendment, I recollect, set out with great particularity, that the Mis-

souri compromise line should be extended to the Pacific, and declared to be in full force, and binding in the same sense, and with the same understanding with which it was originally adopted.

Now, sir, what was the result of all these various votes? Here was the Territory of New Mexico, all of which, except a very small fraction, not worth mentioning, lay south of 36° 30', and yet the Senator who now invokes us to support the Missouri compromise, [Mr. CHASE,] moved to apply the Wilmot proviso to that territory, and voted, in every instance, upon the yeas and nays, except in one case, where his name does not appear at all, against the recognition or the application of the Missouri compromise in any form whatever. What, then, is the actual result? Here were those of us who were on the floor representing southern constituencies, not only arguing, but I may almost say, begging, for the recognition of the Missouri compromise line. We could not obtain it. The Missouri compromise line was rejected—it was repudiated—it was, in effect, declared not to be applicable to those territories, and that the principle of it should not extend to them. What, under these circumstances, did Congress do? They passed two bills for territorial governments—one for Utah, lying north of 36° 30', and one for New Mexico, nearly all of which was south of 36° 30', in precisely the same words in respect to this whole subject-matter, putting them exactly upon the same footing, and conferring upon each of them the same amount of legislative power, and treating the line of 36° 30' as if it had, politically, no existence.

Now, Mr. President, to recur, for a moment, to what I set out upon this point with mentioning; that the principle upon which an enactment is founded, the principle out of which a rule of conduct grows, in some original or assumed truth, some proposition admitted to be right, out of which the law, or rule of conduct, naturally and properly springs; I beg your attention to the language which has been so much objected to and criticised. It is that the Missouri restriction limiting slavery according to latitude "is inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, recognized by the legislation of 1850." "The principle of non-intervention"—not the words contained in those laws. Now we ascertain what was the principle upon which that legislation proceeded, by looking both to what was put into the laws, and to what Congress refused to put into them; and examining the subject in that light, we find that the legislation of 1850 was founded upon a distinct repudiation of the idea of making any difference between the condition of a people lying on one side of a line of latitude, and the condition of a people lying on the other side; and that was accomplished against the speeches and votes of the whole southern delegation upon this floor.

Now, sir, if I am right, these things are made out: The principle or fundamental truth upon which the legislation of 1820 was founded was, that Congress had power, and that Congress ought to intervene to exercise that power, to exclude slavery from territories lying north of a certain latitude, and implicitly admitting it on the other side. That principle was applied to all the territory which the United States had which could be made subject to it. It was recognized as a principle by its subsequent application upon the acquisition of Texas, when it was continued out in its course towards the Pacific ocean; yet Texas did not fall within the description contained within the Missouri compromise. She was a foreign independent State, incorporated by her free consent, upon the principle of a treaty. Then, in 1850, what had been thus recognized was distinctly and unequivocally repudiated. The principle upon which the legislation of 1850 was founded, being thus disregarded, is it not strictly proper to say that the principle that Congress should not intervene in relation to these matters distinctly show, evicerated, out of the acts of legislation of 1850, being directly inconsistent with the other principle on which the legislation of 1820 was founded, the latter is inoperative and void? I pray you, sir, if it is not strictly accurate to say that this clause of the act of 1820 is inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories; and that that principle was recognized by the legislation of 1850?

Well, if it was, as to my understanding it is evident it was, I say that the honorable chairman could not have adopted operative words more strictly accurate and proper than those with which he has followed this recital. What are they? "Is hereby declared inoperative and void." It would not have been correct or just to the subject to say that we "hereby repeal" the Missouri compromise, as if we had taken a new notion now, suddenly, in regard to it; but it is the true, proper and legitimate conclusion, that Congress having, in 1850, adopted a principle and grounded its legislative action upon it, which is inconsistent with the principle involved in the eighth section of the Missouri law, that eighth section should be declared inoperative and void. In the court below that provision effects a repeal; and it is just as legitimate a mode of effecting a repeal of a law to declare it void, as to say it is "hereby repealed." If gentlemen will consult the English statute-book, they will find numerous instances of repeals by such words. It is peculiarly appropriate to adopt that form in this case, because it is a legal consequence following out of the facts recited, that it ought to be "inoperative and void," and it is therefore declared to be so.

Mr. President, in the view which I take of this subject, it seems to me strange—no, I will not say strange—but I ask you if it is not very remarkable, whether strange or not, that the honorable Senator from Ohio [Mr. CHASE] should have felt such an extreme urgency for proper respect being paid to the Missouri compromise line, when in every instance in which it was proposed to the consideration of the Senate in the year 1850, he constantly, by his vote, refused to recognize it? He calls upon us to "respect the Missouri compromise, regard plighted faith, submit to the exclusion of your slaves in territory lying north of 36° 30', and, in consideration thereof, I will also exclude your slaves from territory south of 36° 30'." "I beg you," says he, "not to disregard the terms of this compromise. You are men of honor; you have agreed to give up the right of carrying your slaves north of 36° 30', and we impliedly

agreed that you might carry them into territory south of 36° 30'; I beg you to adhere to your surrender north of 36° 30'." And as the most persuasive argument to induce us to do so, he says: "I feel bound, by my love of freedom and regard for the Constitution, to refuse to let you carry them into territory south of 36° 30'; that being the equivalent upon which you made the other surrender."

This is a strange mode of enforcing the observance of compacts: and it shows with what facility we perceive the propriety of obliging others, and how easily we perceive it is not easy to oblige ourselves by the obligation of a compact, when the question returns, whether we shall give the consideration for which the other party contracted. I remember having seen somewhere, that Dr. Porteus, who was at one time the Bishop of London, and a man of no small celebrity in his day, had written a poem on the horrors and miseries of war, in which he had given so vivid a picture of the dreadful consequences and accompaniments of war, and its utter irreconcilability with the principles of Christianity, that everybody who read the poem was deeply struck with the fervid eloquence and impassioned piety of the right reverend author. It is said that some time afterwards, during the prosecution of a foreign war, he made a strong speech in the British Parliament in favor of the war, and in support of the Ministry who were carrying it on. As he was leaving the House, some noble lord fell alongside of him, and said: "After reading your lordship's very animated and stirring picture of the horrors of war, I was a little surprised to hear your lordship's speech to-day, comparing it to what you have said in your poem." "Oh," said he, "my lord, my poem was not written for this war." [Laughter.] It seems to me that this is just exactly the same answer which the honorable Senator from Ohio gives to us. He says: "Observe your plighted faith; hold yourselves bound by the bargain; adhere to the Missouri compromise." We ask him in reply, "Will you adhere to it?" "Oh," he answers, "my position, my argument, my urgency, were not intended for this case, but for the other."

Sir, I have now shown that, from the time I have had a seat in Congress, in common with my southern friends generally, I have endeavored to obtain a recognition and perpetuation of the principles which were involved in the compromise of 1820. We have signally failed. Whether we thought the rule laid down was just or unjust, favorable or unfavorable, however much, or however little, we thought it might have intrenched on what we might consider liberal or fair in our northern brethren, we asked for nothing but the bargain fairly carried out, and we were at all times ready to be content with it. Now, after it has been utterly repudiated, after a totally different system of legislation has been adopted, in defiance of our votes and our remonstrances, I think it is a little unreasonable, and a little absurd, that gentlemen should call upon us to respect a compromise which they themselves have destroyed—destroyed just as effectually, though not as directly, as if they had applied their opposition to the specific case to which the Missouri compromise line was applied. They have destroyed the principle on which the legislation was based, as demonstrated by the circumstances of the time, and the subsequent recognition in the annexation of Texas. They have refused to carry out the contract in its spirit and fair meaning. They seek to maintain whatever of it is beneficial to themselves, and to disregard all the residue.

Mr. President, believing, as I do, that the proposition contained in the words of the amendment which has been incorporated into the bill is true, that the form of legislation is appropriate, what is there that calls upon me to vote against it, or against a bill containing it? I have shown, I think, that there is no principle of plighted faith that in the least binds us. The legislation now proposed is, in my judgment, right. It is what I have always desired, if it could have been freely obtained.

My position, as you, Mr. President, are aware, has never been an extreme one upon this subject. I was always content with the Missouri compromise line—always anxious for it—always voted for it; but my own individual opinion upon the subject always was, that the principles adopted in 1850 are the true principles. What are they? They are announced in the amendment which has been adopted.

We have among us a population of three millions of slaves. Nothing is more idle than for gentlemen to trouble themselves with an investigation into the propriety of those slaves being here, into the rectitude and lawfulness of keeping them in the condition of slavery, or into the misfortune or calamity which may result from retaining them in slavery. We are dealing with a fact. They are here. They are slaves. They cannot remain here except as slaves. Everybody knows that. They cannot, by any operation of man's wit, be put into any situation in our country which will not be vastly more injurious to them, physically and morally, than the identical state and condition which they now occupy. They cannot be sent away. Where are your means to come from to make an exodus across the ocean of three millions of slaves—to buy them, and to remove them? And if you could buy them, and remove them, permit me to say that a more cruel act of tyranny and oppression could not be perpetrated upon any body of men. A very large proportion of them would reject with horror the idea of being transported to those barbarous and foreign climes of Africa, for which, though their fathers came from them, they cherish no feeling of attachment; for this is their country, as well as ours. You cannot remove them; they are obliged to remain here, and they are obliged to be slaves. That is clear.

Now, sir, can anything be more evident than that the true course for people situated in this way, is not to aggravate the incidental evils of such a condition by exasperating inquiries, charges, and counter-charges? The people of every portion of the United States should meet this question as involving a common interest, and so far as there is calamity, a common calamity.

What then are you going to do? Is it not obvious that the true policy, as well as the true Christian philanthropy involved in this matter, is to allow this population to diffuse itself in such portions of the Territories as from climate and

soil are adapted to slave cultivation? You can have no injurious competition with your free labor. Slave labor will not be profitable, and largely employed anywhere, except upon the great staples of the South--tobacco, cotton, sugar, and rice. Will white men make these products for exportation? They will not. Will your northern people compete with southern slaves for the privilege of making rice, and sugar, and cotton, and tobacco? No, sir. Where that cultivation ceases, rely upon it, a slave population is not going to spread itself. We shall have no conflict, no embarrassment from the meeting of two tides of laborers from the North and South; for the kind of soil and climate which suits us and our slave cultivation does not suit yours. Who is injured by it? Not the slave. Nothing is more beneficial for him than to allow the population of which he forms a portion to spread itself, to give it room. You promote his comfort, you increase his wealth, you diminish his hardships. If you surround a population situated like ours with a Chinese wall or barrier, beyond which it cannot spread itself—if you compress it—what do you do? Why you expose the master to serious inconvenience and discomfort, and you destroy the whole happiness of the slave. No man proposes to add to this population. There is not a man in the New England States who would more thoroughly and absolutely resist any attempt to bring a slave from Africa to this country than we of the South would.

Here, then, is the great fact we have to deal with. Why not let it adjust itself? Why not pursue the wise policy indicated in the measures of 1850? Cease to quarrel and wrangle with each other. Live in your free States. Rejoice in the possession of the many advantages you have. But if there is a strip of land belonging to the United States, upon which a southern planter can make cotton or sugar, why grudge it to him? He reduces no man from freedom to slavery in order to make it. He transfers his slaves from the banks of the Mississippi, or the Cooper, or the Cape Fear, or any of our southern rivers, to another place; and he certainly will not do it unless the lands are better, the crops larger, and he and his slaves can live more comfortably, and have a more abundant supply of the necessaries of life; and I will ask, in the name of Heaven, whom does it hurt? You love freedom. We do not ask you to make freemen slaves. You profess to have a regard for the black man; can you resist the only measure which can enable us to make a progressive improvement of his condition as the amount of black population increases?

It is, therefore, as it seems to me, wise and just to pursue the principles indicated in, and out of which sprang the legislation of 1850. It is unjust to no section of the country. No mortal man can show that it will do an injury to any human being that treads God's earth, whether he be free or slave. The poor slave will be benefited by it. The master, with a large number of slaves, cramped for land in a country, perhaps, where land is dear, who desires to do a good part by these slaves, who have been perhaps transmitted down to him for three generations in the same family, and between whom and himself there are mutual feelings of protection on the one hand, and of affectionate submission and reverence on the other—wants to break up from the place where he is obliged to stint himself or stint his people, and to remove with his little family like a patriarch, and settle upon better land, where he can live in the fullest enjoyment of the necessaries and comforts of life; and you say, no? Why, "no?" You do not want the land yourself; you do not want to grow cotton; you do not want to grow tobacco or rice. Why say that this southern planter shall not grow them with his slaves? Is it from hatred of the master? Is it because the removal, while it benefits the slave, will benefit the master also? I cannot believe that anybody can cherish a wish to do us injury for the sake of it; yet if it benefits the slave while it benefits the master, and injures nobody else, in the name of common sense, and our common Christianity, what motive can dictate such a policy? It must be the result either of frenzy and fanaticism, or of an angry and embittered feeling against a population who do not wish to injure, and are not conscious of having ever injured you. That we have slaves among us, if it be a fault, God knows it is not our fault. They were brought here in the times of your fathers, and of our fathers. Your fathers brought them, and ours became the purchasers—if you say in an evil hour, be it so; but what are we to do? Here is this burden; assume it to be as great as you please; the greater it is, the more powerful is my argument—here is this burden upon us, not by any fault of our own; we have inherited it; it has been transmitted to us; it was created here by the joint action of your forefathers and ours, and in the name of God, will you step forward and put heavier weights on this very burden thus innocently inherited by us?

I think, Mr. President, it is in the highest degree probable that with regard to these Territories of Nebraska and Kansas, there will never be any slaves in them. I have no more idea of seeing a slave population in either of them than I have of seeing it in Massachusetts; not a whit. It is possible some gentlemen may go there and take a few domestic servants with them; and I would say that if those domestic servants were faithful and good ones, and the masters did not take them with them, the masters would deserve the reprobation of all good men. What would you have them do? Would you have me to take the servants who wait upon me, and live with me, and to whom I have as strong attachments as to any human beings on this earth out of my own immediate blood relations, and because I want to move to Kansas, put them in the slave market and sell them? Sir, I would suffer my right arm to be cut off before I would do it. Why, therefore, if some southern gentleman wishes to take the nurse that takes charge of his little baby, or the old woman that nursed him in childhood, and whom he called "mammy" until he returned from college, and perhaps afterwards, too, and whom he wishes to take with him in her old age when he is moving into one of these new Territories for the betterment of the fortunes of his whole family, why, in the name of God, should anybody prevent it? Do you wish to force us to become hard-hearted slave-dealers? Do you wish to aggravate the evils, if there are evils, existing in this relation? Do you wish that we shall no longer have a mutual feudal

feeling between our dependants and ourselves? Do you want to make us mercenary and hard-hearted? Or will you allow us, having, as I trust we have, some touch of humanity, and some of the beneficial and breathing spirit of Christianity, to let these beings go forth as they are accustomed to do, and to rejoice when we look out and see our slaves happy and cheerful around us, when we hear the song arising from their dwellings at night, or see them dressed in their neat clothes and going to attend their churches on Sunday, and realizing, as they look at us, that we are the best friends they have upon earth?

Mr. President, perhaps I manifest too much feeling about this matter. It seems to me so clear that no interest or advantage of humanity can possibly be promoted by the spirit which dictates this incessant opposition to every measure which will allow us to improve our own condition and that of our slaves together. It is so impossible to perceive that any good can arise from it that I cannot speak of it without excitement. I have no bitterness about it. God knows I have none. I blame not those at a distance from us who take up false and mistaken impressions respecting us. I know that efforts, the most wicked and persevering, have been made to produce these impressions, and to present us to the minds of our northern fellow-citizens as ministers of cruelty and oppression. I blame them not. They have been trained to entertain these sentiments and feelings. They are unfortunate in having such false estimates placed in their bosoms respecting their friends and fellow-citizens, descendants of a common revolutionary ancestry. I would to God that I could obliterate those feelings. I would to God that they would be disposed to enfold me and mine, as I am the whole of my northern brethren, if they would permit it, in the arms of a fraternal and perpetual concord. Sir, there can be no difficulty about this matter if we suffer ourselves to be influenced by those considerations which spring necessarily and naturally out of the facts of the case, and realize that, after all, no abolition movement ever yet accomplished good for a slave. The whole movements of the Abolitionists of the North, as all my southern friends around me know, so far as they have had any influence with us, have tended to restrict, rather than to relax the bondage under which these people live. They have, in a great measure, stricken from the capacity to be useful in various directions towards them, those philanthropic and honorable people who should lead, and otherwise would lead, our society upon these topics. They expose every one to suspicion. They have a tendency to close up the avenue to the otherwise opening and expanding heart. They do no good to the slave. They do no good to the Abolitionist. They are but a fruitful source of evils among them and evils among us, without one single compensating advantage on earth, present or future.

Oh! Mr. President, if we could only agree to take up this subject as a matter of fact, and agree to deal with it in the best way we can, believe me, sir, the day will come, as indicated by my friend from Massachusetts, [Mr. EVERETT,] when the ways of Providence, in permitting this large exodus of the natives of Africa to this country, will be vindicated to man. Why, sir, the light is already dawning upon us in which we can begin to see how ultimate and incalculable a good is to be wrought out of the temporary absence of this population from their native land. The successful commencement of the colonization scheme shows us how the emancipated slaves may carry back to the native Africa of their forefathers the civilization, the Christianity, and the freedom which they never had enjoyed, and so far as we can see, but for this instrumentality, never could enjoy, in their own country. Slaves! The veriest slaves on earth are the native Africans in their own country. The freest of them is not as free as the hardest bonded slave in southern lands. They have ever been so—the property of their princes; as an English traveler says, having nothing as their own, except their skins. In the course of Providence, they were permitted to be brought here. They have been, and their descendants are a great deal better off than they were in Africa; and if we can only be content to struggle on with the difficulties of our position, in faith and patience doing our own duty, under the present circumstances in which we stand, attempting no wild schemes by which folly may be misled, and by which wrong and misery may be produced, but pursuing that steady course in which God himself, in all his ministrations, brings about by gradual means and operations, the great beneficial results of his creation, we may be assured that ultimately all this will work out great and lasting good.

Mr. President, I desire to say, that though I hold none of my southern friends on this floor responsible for the course of argument which I have offered, or any of the intermediate views I have expressed, I think it right to say, and I think I have their authority to say, that with regard to the results to which I have come upon this measure, we all agree as one man—every southern Whig Senator. I wish that to be understood, that the position of gentlemen may not be mistaken because they have not yet had the opportunity of voting upon this bill.

I think, then, that the great mistake in the argument of my honorable friend from Massachusetts, was in not discriminating between the principle and the enactment; between the doctrine out of which the enactment sprung and the enactment which sprung from it; and that if he will take that into view he will see, I think—I know he has never any other desire than to see whatever is true and right—that the amendment which has been incorporated into the bill speaks the truth and is germane and proper in its operative language to the matters recited; and that if his mind is relieved in regard to the provisions for securing the national faith towards the Indians, he ought to have no difficulty in voting for the bill.

SPEECH OF THE HON. WILLIAM H. SEWARD,

IN THE SENATE, FEB. 17, 1854.

"FREEDOM AND PUBLIC FAITH."

MR. PRESIDENT: The United States, at the close of the Revolution, rested southward on the St. Mary's, and westward on the Mississippi, and possessed a broad, unoccupied domain, circumscribed by those rivers, the Alleghany mountains, and the great Northern lakes. The Constitution anticipated the division of this domain into States, to be admitted as members of the Union, but it neither provided for nor anticipated any enlargement of the national boundaries. The People, engaged in reorganizing their Governments, improving their social systems, and establishing relations of commerce and friendship with other nations, remained many years content within their apparently-ample limits. But it was already foreseen that the free navigation of the Mississippi would soon become an urgent public want.

France, although she had lost Canada, in chivalrous battle, on the Heights of Abraham, in 1763, nevertheless, still retained her ancient territories on the western bank of the Mississippi. She had also, just before the breaking out of her own fearful Revolution, re-acquired, by a secret treaty, the possessions on the Gulf of Mexico, which, in a recent war, had been wrested from her by Spain. Her First Consul, among those brilliant achievements which proved him the first Statesman as well as the first Captain of Europe, sagaciously sold the whole of these possessions to the United States, for a liberal sum, and thus replenished his treasury, while he saved from his enemies, and transferred to a friendly Power, distant and vast regions, which, for want of adequate naval force, he was unable to defend.

This purchase of Louisiana from France, by the United States, involved a grave dispute concerning the western limits of that province; and this controversy, having remained open until 1819, was then adjusted by a treaty, in which they relinquished Texas to Spain, and accepted a cession of the early-discovered and long-inhabited provinces of East Florida and West Florida. The United States stipulated, in each of those cases, to admit the countries thus annexed into the Federal Union.

The acquisitions of Oregon by discovery and occupation, of Texas by her voluntary annexation, and of New Mexico and California, including what is now called Utah, by war, completed that rapid course of enlargement, at the close of which our frontier has been fixed near the centre of what was New Spain, on the Atlantic side of the continent, while on the west, as on the east, only an ocean separates us from the nations of the Old World. It is not in my way now to speculate on the question, how long we are to rest on these advanced positions.

Slavery, before the Revolution, existed in all the thirteen Colonies, as it did also in nearly all the other European plantations in America. But it had been forced by British authority, for political and commercial ends, on the American People, against their own sagacious instincts of policy, and their stronger feelings of justice and humanity.

They had protested and remonstrated against the system, earnestly, for forty years, and they ceased to protest and remonstrate against it only when they finally committed their entire cause of complaint to the arbitrament of arms. An earnest spirit of emancipation was abroad in the Colonies at the close of the Revolution, and all of them, except, perhaps, South Carolina and Georgia, anticipated, desired, and designed, an early removal of the system from the country. The suppression of the African slave-trade, which was universally regarded as ancillary to that great measure, was not, without much reluctance, postponed until 1808.

While there was no national power, and no claim or desire for national power, anywhere, to compel involuntary emancipation in the States where Slavery existed, there was at the same time a very general desire and a strong purpose to prevent its introduction into new communities yet to be formed, and into new States yet to be established. Mr. Jefferson proposed, as early as 1784, to exclude it from the national domain which should be constituted by cessions from the States to the United States. He recommended and urged the measure as ancillary, also, to the ultimate policy of emancipation. There seems to have been at first no very deep jealousy between the emancipating and the non-emancipating States; and the policy of admitting new States was not disturbed by questions concerning Slavery. Vermont, a non-slaveholding State, was admitted in 1793. Kentucky, a tramontane slaveholding community, having been detached from Virginia, was admitted, without being questioned, about the same time. So also Tennessee, which was a similar community separated from North Carolina, was admitted in 1796, with a stipulation that the Ordinance which Mr. Jefferson had first proposed, and which had in the meantime been adopted for the Territory northwest of the Ohio, should not be held to apply within her limits. The same course was adopted in organizing Territorial Governments for Mississippi and Alabama, slaveholding communities which had been detached from South Carolina and Georgia. All these States and Territories were situated southwest of the Ohio river, till were more or less already peopled by slaveholders with their slaves; and to have excluded Slavery within their limits would have been a national act, not of preventing the introduction of Slavery, but of abolishing Slavery. In short, the region southwest of the Ohio river presented a field in which the policy of preventing the introduction of Slavery was impracticable. Our forefathers never attempted what was impracticable.

But the case was otherwise in that fair and broad region which stretched away from the banks of the Ohio, northward to the lakes, and westward to the Mississippi. It was yet free, or practically free, from the presence of slaves, and was nearly uninhabited, and quite unoccupied. There was then no Baltimore and Ohio railroad, no Erie railroad, no New York Central railroad, no Boston and Ogdensburgh railroad; there was no railway through Canada; nor, indeed, any road around or across the mountains; no imperial Erie canal, no Welland canal, no lockages around the rapids and the falls of the St. Lawrence, the Mohawk, and the Niagara rivers, and no steam-navigation on the lakes, or on the Hudson, or on the Mississippi. There, in that remote and secluded region, the prevention of the introduction of Slavery was possible; and there our forefathers, who left no possible national good unattempted, did prevent it. It makes one's heart bound with joy and gratitude, and lift itself up with mingled pride and veneration, to read the history of that great transaction. Discarding the trite and common forms of expressing the national will, they did not merely "vote," or "resolve," or "enact," as on other occasions, but they "ORDAINED," in language marked at once with precision, amplification, solemnity, and emphasis, that there "shall be neither Slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted." And they further ORDAINED and declared that this law should be considered a COMPACT between the original States and the People and States of said Territory, and for ever remain unalterable, unless by common consent. The Ordinance was agreed to unanimously. Virginia, in reaffirming her cession of the territory, ratified it, and the first Congress held under the Constitution, solemnly renewed and confirmed it.

In pursuance of this Ordinance, the several Territorial Governments successively established in the Northwest Territory, were organized with a prohibition of the introduction of Slavery; and in due time, though at successive periods, Ohio, Indiana, Illinois, Michigan, and Wisconsin, States erected within that Territory, have come into the Union with Constitutions in their hands for ever prohibiting Slavery and involuntary servitude, except for the punishment of crime. They are yet young; but, nevertheless, who has ever seen elsewhere such States as they are! There are gathered the young, the vigorous, the active, the enlightened sons of every State—the flower and choice of every State in this broad Union; and there the emigrant for conscience sake, and for freedom's sake, from every land in Europe—from proud and all-conquering Britain, from heart-broken Ireland, from sunny Italy, from beautiful France, from spiritual Germany, from chivalrous Hungary, and from honest and brave old Sweden and Norway. Thence are already coming ample supplies of corn, and wheat, and wine, for the manufacturers of the East, for the planters of the tropics, and even for the artisans and the armies of Europe; and thence will continue to come in long succession, as they have already begun to come, statesmen and legislators for this continent.

Thus it appears, Mr. President, that it was the policy of our fathers, in regard to the original domain of the United States, to prevent the introduction of Slavery, wherever it was practicable. This policy encountered greater difficulties when it came under consideration with a view to its establishment in regions not included within our original domain. While Slavery had been actually abolished already, by some of the emancipating States, several of them, owing to a great change in the relative value of the productions of slave labor, had fallen off into the class of non-emancipating States; and now the whole family of States was divided and classified as slaveholding or slave States, and non-slaveholding or free States. A rivalry for political ascendency was soon developed; and, besides the motives of interest and philanthropy which had before existed, there was now on each side a desire to increase, from among the candidates for admission into the Union, the number of States in their respective classes, and so their relative weight and influence in the Federal Councils.

The country which had been acquired from France was, in 1804, organized in two territories, one of which, including New Orleans as its capital, was called Orleans, and the other, having St. Louis for its chief town, was called Louisiana. In 1812, the Territory of Orleans was admitted as a new State, under the name of Louisiana. It had been an old slaveholding colony of France, and the prevention of Slavery within it would have been a simple act of abolition. At the same time, the Territory of Louisiana, by authority of Congress, took the name of Missouri; and, in 1819, the portion thereof which now constitutes the State of Arkansas was detached, and became a Territory, under that name. In 1819, Missouri, which was then but thinly peopled, and had an inconsiderable number of slaves, applied for admission into the Union, and her application brought the question of extending the policy of the Ordinance of 1787 to that State, and to other new States in the region acquired from Louisiana, to a direct issue. The House of Representatives insisted on a prohibition against the further introduction of Slavery in the State, as a condition of her admission. The Senate disagreed with the House in that demand. The non-slaveholding States sustained the House, and the slaveholding States sustained the Senate. The difference was radical, and tended towards revolution.

One party maintained that the condition demanded was constitutional, the other that it was unconstitutional. The public mind became intensely excited, and painful apprehensions of disunion and civil war began to prevail in the country.

In this crisis, a majority of both Houses agreed upon a plan for the adjustment of the controversy. By this plan, Maine, a non-slaveholding State, was to be admitted; Missouri was to be admitted without submitting to the condition before mentioned; and in all that part of the Territory acquired from France, which was north of the line of 36 deg. 30 min. of north latitude, Slavery was to be for ever prohibited. Louisiana, which was a part of that Territory, had been admitted as a slave State eight years before; and now, not only was Missouri to be admitted as a slave State, but Arkansas, which was south of that line, by strong implication, was also to be admitted as a slaveholding State. I need not indicate what were the equivalents which the respective parties were to receive in this arrangement, further than to say that the slaveholding States practically were to receive slaveholding States, the free States to receive a desert, a solitude, in which they might, if they could, plant the germs of future free States. This measure was adopted. It was a great national transaction—the first of a class of transactions which have since come to be thoroughly defined and well understood, under the name of compromises. My own opinions concerning them are well known, and are not in question here. According to the general understanding, they are marked by peculiar circumstances and features, viz.:—

First, there is a division of opinion upon some vital national question between the two Houses of Congress, which division is irreconcilable, except by mutual concessions of interests and opinions, which the Houses deem constitutional and just.

Secondly, they are rendered necessary by impending calamities, to result from the failure of legislation, and to be no otherwise averted than by such mutual concessions or sacrifices.

Thirdly, such concessions are mutual and equal, or are accepted as such, and so become conditions of the mutual arrangement.

Fourthly, by this mutual exchange of conditions, the transaction takes on the nature and condition of a contract, compact, or treaty, between the parties represented; and so, according to well-settled principles of morality and public law, the statute which embodies it is understood, by those who uphold this system of legislation, to be irrevocable and irrepealable, except by the mutual consent of both or of all the parties concerned. Not, indeed, that it is absolutely irrepealable, but that it cannot be repealed without a violation of honor, justice, and good faith, which it is presumed will not be committed.

Such was the Compromise of 1820. Missouri came into the Union immediately as a slaveholding State, and Arkansas came in as a slaveholding State, as you are aware, eight years afterward. Nebraska, the part of the Territory reserved exclusively for free Territories and free States, has remained a wilderness ever since. And now it is proposed here to abrogate, not, indeed, the whole Compromise, but only that part of it which saved Nebraska as free territory, to be afterward divided into non-slaveholding States, which should be admitted into the Union. And this is proposed, notwithstanding an universal acquiescence in the Compromise, by both parties, for thirty years, and its confirmation, over and over again, by many acts of successive Congresses, and notwithstanding that the slaveholding States have peaceably enjoyed, ever since it was made, all their equivalents, while, owing to circumstances which will hereafter appear, the non-slaveholding States have not practically enjoyed any of those guaranteed to them.

This is the question now before the Senate of the United States of America.

It is a question of transcendent importance. The proviso of 1820, to be abrogated in Nebraska, is the Ordinance of the Continental Congress of 1787, extended over a new part of the national domain, acquired under our present Constitution. It is rendered venerable by its antiquity, and sacred by the memory of that Congress, which, in surrendering its trust, after establishing the Ordinance, enjoined it upon posterity, always to remember that the cause of the United States was the cause of Human Nature. The question involves an issue of public faith, and national morality and honor. It will be a sad day for this Republic, when such a question shall be deemed unworthy of grave discussion and intense interest. Even if it were certain that the inhibition of Slavery in the region concerned was unnecessary, and if the question was thus reduced to a mere abstraction, yet even that abstraction would involve the testimony of the United States on the expediency, wisdom, morality, and justice, of the system of human bondage, with which this and other portions of the world have been so long afflicted; and it will be a melancholy day for the Republic and for mankind when her decision on even such an abstraction shall command no respect, and inspire no hope into the hearts of the oppressed. But it is no such abstraction. It was no unnecessary dispute, no mere contest of blind passion, that brought that Compromise into being. Slavery and Freedom were active antagonists, then seeking for ascendency in this Union. Both Slavery and Freedom are more vigorous, active, and self-aggrandizing, now, than they were then, or ever were before or since that period. The contest between them has been only protracted, not decided. It is a great feature in our national Hereafter. So the question of adhering to or abrogating this Compromise is no unmeaning issue, and no contest of mere blind passion now.

To adhere, is to secure the occupation by freemen, with free labor, of a region in the very centre of the continent, capable of sustaining, and in that event destined, though it may be only after a far-distant period, to sustain ten, twenty, thirty, forty millions of people, and their successive generations for ever!

To abrogate, is to resign all that vast region to chances which mortal vision cannot fully foresee; perhaps to the sovereignty of such stinted and short-lived communities as those of which Mexico, and South America, and the West India Islands, present us with examples; perhaps to convert that region into the scene of long and desolating conflicts between not merely races, but castes—to end, like a similar conflict in Egypt, in a convulsive exodus of the oppressed people, despoiling their superiors; perhaps, like one not dissimilar in Spain, in the forcible expulsion of the inferior race, exhausting the state by the sudden and complete suppression of a great resource of national wealth and labor; perhaps in the disastrous expulsion, even of the superior race itself, by a people too suddenly raised from Slavery to Liberty, as in St. Domingo. To adhere, is to secure for ever the presence here, after some lapse of time, of two, four, ten, twenty, or more Senators, and of Representatives in larger proportions, to uphold the policy and interests of the non-slaveholding States, and balance that ever-increasing representation of slaveholding States, which past experience, and the decay of the Spanish American States, admonish us has only just begun; to save what the non-slaveholding States have in mints, navy-yards, the military academy and fortifications, to balance against the capital and federal institutions in the slaveholding States; to save against any danger from adverse or hostile policy, the culture, the manufactures, and the commerce, as well as the just influence and weight of the national principles and sentiments of the slaveholding States. To adhere, is to save, to the non-slaveholding States, as well as to the slaveholding States, always, and in every event, a right of way and free communication across the continent, to and with the States on the Pacific coasts, and with the rising States on the islands in the South Sea, and with all the eastern nations on the vast continent of Asia.

To abrogate, on the contrary, is to commit all these precious interests to the chances and hazards of embarrassment and injury by legislation, under the influence of social, political, and commercial jealousy and rivalry; and in the event of the secession of the slaveholding States, which is so often threatened in their name, but I thank God without their authority, to give to a servile population a La Vendee at the very sources of the Mississippi, and in the very recesses of the Rocky Mountains.

Nor is this last a contingency against which a statesman, when engaged in giving a constitution for such a territory, so situated, must veil his eyes. It is a statesman's province and duty to look before as well as after. I know, indeed, the present loyalty of the American people, North and South, and

East and West. I know that it is a sentiment stronger than any sectional interest or ambition, and stronger than even the love of equality in the non-slaveholding States; and stronger, I doubt not, than the love of Slavery in the slaveholding States. But I do not know, and no mortal sagacity does know, the seductions of interest and ambition, and the influences of passion, which are yet to be matured in every region. I know this, however: that this Union is safe, now, and that it will be safe so long as impartial political equality shall constitute the basis of society, as it has heretofore done in even half of these States, and they shall thus maintain a just equilibrium against the slaveholding States. But I am well assured, also, on the other hand, that if ever the slaveholding States shall multiply themselves, and extend their sphere, so that they could, without association with the non-slaveholding States, constitute of themselves a commercial republic, from that day their rule, through the Executive, Judicial, and Legislative powers of this Government will be such as will be hard for the non-slaveholding States to bear; and their pride and ambition, since they are congregations of men, and are moved by human passions, will consent to no Union in which they shall not so rule.

The slaveholding States already possess the mouths of the Missis'ippi, and their territory reaches far northward along its banks, on one side to the Ohio, and on the other, even to the confluence of the Missouri. They stretch their dominions now from the banks of the Delaware, quite around bay, headland, and promontory, to the Rio Grando. They will not stop, although they now think they may, on the summit of the Sierra Nevada; nay, their armed pioneers are already in Sonora, and their eyes are already fixed, never to be taken off, on the island of Cuba, the Queen of the Antilles. If we of the non-slaveholding States surrender to them now the eastern slope of the Rocky Mountains, and the very sources of the Missisippi, what territory will be secure, what territory can be secured hereafter, for the creation and organization of free States, within our ocean-bound domain? What territories on this continent will remain unappropriated and unoccupied, for us to annex? What territories, even if we are able to buy or conquer them from Great Britain or Russia, will the slaveholding States suffer, much less aid, us to annex, to restore the equilibrium which by this unnecessary measure we shall have so unwisely, so hurriedly, so suicidally subverted?

Nor am I to be told that only a few slaves will enter into this vast region. One slaveholder in a new Territory, with access to the Executive ear at Washington, exercises more political influence than five hundred freemen. It is not necessary that all or a majority of the citizens of a State shall be slaveholders, to constitute a slaveholding State. Delaware has only 2,000 slaves, against 91,000 freemen; and yet Delaware is a slaveholding State. The proportion is not substantially different in Maryland and in Missouri; and yet they are slaveholding States. These, sir, are the stakes in this legislative game, in which I lament to see, that while the representatives of the slaveholding States are unanimously and earnestly playing to win, so many of the representatives of the non-slaveholding States are with even greater zeal and diligence playing to lose.

Mr. President, the Committee who have recommended these twin bills for the organization of the Territories of Nebraska and Kanzas hold the affirmative in the argument upon their passage. What is the case they present to the Senate and the country?

They have submitted a report; but that report, brought in before they had introduced or even conceived this bold and daring measure of abrogating the Missouri Compromise, directs all its arguments against it.

The Committee say, in their report:—

"Such being the character of the controversy, in respect to the territory acquired from Mexico, a similar question has arisen in regard to the right to hold slaves in the proposed Territory of Nebraska, when the Indian laws shall be withdrawn, and the country thrown open to emigration and settlement. By the 8th section of 'an act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6, 1820, it was provided: 'That, in all that Territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, Slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid.'

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether Slavery is prohibited in the Nebraska country by *valid* enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the citizens' rights in the common Territories of the Union. In the opinion of those eminent statesmen, who hold that Congress is invested with no rightful authority to legislate upon the subject of Slavery in the Territories, the 8th section of the act preparatory to the admission of Missouri is null and void; while the prevailing sentiment in large portions of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an indefeasible right to go into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of the law. Your Committee do not feel themselves called upon to enter into the discussion of these conflicted question. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afforded by it to slave property in the Territories, so your Committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the 8th section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

This report gives us the deliberate judgment of the Committee on two important points. First, that the Compromise of 1850 did not, by its letter or by its spirit, repeal, or render necessary, or even propose, the abrogation of the Missouri Compromise; and, secondly, that the Missouri Compromise ought not now to be abrogated. And now sir, what do we next hear from this Committee? First, two similar and kindred bills, actually abrogating the Missouri Compromise, which, in their report, they had told us ought not to be abrogated at all. Secondly, these bills declare on their face, in substance, that that Compromise was already abrogated by the spirit of that very Compromise of 1850, which, in their report they had just shown us, left the Compromise of 1820 absolutely unaffected and unimpaired. Thirdly, the Committee favor us, by their chairman, with an oral explanation, that the amended bills abrogating the Missouri Compromise are identical with their previous bill, which did not abrogate it, and are only made to differ in phraseology, to the end that the provisions contained in their previous, and now discarded, bill, shall be absolutely clear and certain.

I entertain great respect for the Committee itself, but I must take leave to say that the inconsistencies and self-contradictions contained in the papers it has given us, have destroyed all claims on the part of those documents, to respect, here or elsewhere.

The recital of the effect of the Compromise of 1850 upon the Compromise of 1820, as finally revised, corrected, and amended, here in the face of the Senate, means after all substantially what that recital meant as it stood before it was perfected, or else it means nothing tangible or worthy of consideration at all. What if the spirit, or even the letter, of the Compromise laws of 1850 did conflict with the Compromise of 1820? The Compromise of 1820 was, by its very nature, a Compromise irrepealable and unchangeable, without a violation of honor, justice, and good faith. The Compromise of 1850, if it impaired the previous Compromise to the extent of the loss to free labor of one acre of the Territory of Nebraska, was either absolutely void, or ought, at all subsequent legislation, to be deemed and held void.

What if the spirit or the letter of the Compromise was a violation of the Compromise of 1820? Then, inasmuch as the Compromise of 1820 was inviolable, the attempted violation of it shows that the so-called Compromise 1850 was to that extent not a Compromise at all, but a factitious, spurious, and pretended Compromise. What if the letter or the spirit of the Compromise of 1850 did supersede or impair or even conflict with the Compromise of 1820? Then that is a reason, not for abrogating the irrepealable and inviolable Compromise of 1820, but the spurious and pretended Compromise of 1850.

Mr. President, why is this reason for the proposed abrogation of the Compromise of 1820 assigned in these bills at all? It is unnecessary. The assignment of a reason adds nothing to the force or weight of the abrogation itself. Either the fact alleged as a reason is *true* or it is *not* true. If it be true, it is apparent in the text of the law of 1850, without the aid of legislative exposition now. It is unusual. It is unparliamentary. The language of the lawgiver, whether the sovereign be Democratic, Republican, or Despotic, is always the same. It is mandatory, imperative. If the lawgiver explains at all in a statute the reason for it, the reason is that it is his pleasure—*sic volo, sic jubeo*. Look at the Compromise of 1820. Does it plead an excuse for its commands? Look at the Compromise of 1850, drawn by the master-hand of our American Chatham. Does that bespeak your favor by a quibbling or shuffling apology? Look at your own, now rejected, first Nebraska bill, which, by conclusive implication, saved the effect of the Missouri Compromise. Look at any other bill ever reported by the Committee on Territories. Look at any other bill now on your calendars. Examine all the laws on your statute books. Do you find any one bill or statute which ever came bowing, stooping, and wriggling into the Senate, pleading an excuse for its clear and explicit declaration of the sovereign and irresistible will of the American People? The departure from this habit in this solitary case betrays self-distrust, and an attempt on the part of the bill to divert the public attention, to raise complex and immaterial issues, to perplex and bewilder and confound the People by whom this transaction is to be reviewed. Look again at the vacillation betrayed in the frequent changes of the structure of this apology. At first the recital told us that the eighth section of the Compromise act of 1820 was superseded by the principles of the Compromise laws of 1850—as if any one had ever heard of a supersedeas of one local law by the mere *principles* of another local law, enacted for an altogether different region, thirty years afterward. In another day we were told, by an amendment of the recital, that the Compromise of 1820 was not superseded by the Compromise of 1850 at all, but was only "inconsistent with" it—as if a local act which was irrepealable was now to be abrogated, because it was inconsistent with a subsequent enactment, which had no application whatever within the region to which the first enactment was confined. On a third day the meaning of the recital was further and finally elucidated by an amendment, which declared that the first irrepealable act protecting Nebraska from Slavery was now declared "inoperative and void," because it was inconsistent with the present purposes of Congress not to legislate Slavery into any Territory or State, nor to exclude it therefrom.

But take this apology in whatever form it may be expressed, and test its logic by a simple process.

The law of 1820 secured free institutions in the regions acquired from France in 1803, by the wise and prudent foresight of the Congress of the United States. The law of 1850, on the contrary, committed the choice between free and slave institutions in New Mexico and Utah—Territories acquired from Mexico nearly fifty years afterward—to the interested cupidity or the caprice of their earliest and accidental occupants. Free Institutions and Slave Institutions are equal; but the interested cupidity of the pioneer is a wiser arbiter, and his judgment a surer safeguard, than the collective wisdom of the American People, and the most solemn and time-honored statute of the American Congress. Therefore, let the law of freedom in the territory acquired from France be now annulled and abrogated, and let the fortunes and fate of Freedom and Slavery, in the region acquired from France, be, henceforward, determined by the votes of some seven hundred camp followers around Fort Leavenworth, and the still smaller number of trappers, Government schoolmasters, and mechanics, who attend the Indians in their seasons of rest from hunting in the passes of the Rocky Mountains. Sir, this syllogism may satisfy you and other Senators; but, as for me, I must be content to adhere to the earlier system. *Stare super antiquas vias.*

There is yet another difficulty in this new theory. Let it be granted that, in order to carry out a new principle recently adopted in New Mexico, you can supplant a compromise in Nebraska, yet there is a maxim of public law which forbids you from supplanting that compromise, and establishing a new system *there*, until you first restore the parties in interest there to their *statu quo* before the compromise to be supplanted was established. First, then, remand Missouri and Nebraska back to the unsettled condition, in regard to Slavery, which they held before the Compromise of 1820 was enacted, and then we will hear you talk of rescinding that Compromise. You cannot do this. You ought not to do it, if you could; and because you cannot and ought not to do it, you cannot, without violating law, justice, equity, and honor, abrogate the guarantee of freedom in Nebraska.

There is still another and not less serious difficulty. You call the Slavery laws of 1850 a compromise between the slaveholding and non-slaveholding States. For the purposes of this argument, let it be granted that they were such a compromise. It was nevertheless a compromise concerning Slavery

in the Territories acquired from Mexico, and by the letter of the compromise it extended no further. Can you now, by an act which is not a compromise between the same parties, but a mere ordinary law, extend the force and obligation of the principles of that Compromise of 1850 into regions not only excluded from it, but absolutely protected from your intervention there by a solemn Compromise of thirty years' duration, and invested with a sanctity scarcely inferior to that which hallows the Constitution itself?

Can the Compromise of 1850, by a mere ordinary act of legislation, be extended beyond the plain, known, fixed intent and understanding of the parties at the time that contract was made, and yet be binding on the parties to it, not merely legally, but in honor and conscience? Can you abrogate a compromise by passing any law of less dignity than a compromise? If so, of what value is any one or the whole of the Compromises? Thus you see that these bills violate both of the Compromises—not more that of 1820 than that of 1850.

Will you maintain in argument that it was understood by the parties interested throughout the country, or by either of them, or by any representative of either, in either House of Congress, that the principle then established should extend beyond the limits of the territories acquired from Mexico, into the territories acquired, nearly fifty years before, from France, and then reposing under the guarantee of the Compromise of 1820? I know not how Senators may *vote*, but I do know what they will *say*. I appeal to the honorable Senator from Michigan [Mr. CASS], than whom none performed a more distinguished part in establishing the Compromise of 1850, whether he so intended or understood. I appeal to the honorable and distinguished Senator, the senior representative from Tennessee [Mr. BELL], who performed a distinguished part also. Did he so understand the Compromise of 1850? I appeal to that very distinguished—nay, sir, that expression falls short of his eminence—that illustrious man, the Senator from Missouri, who led the opposition here to the Compromise of 1850. Did he understand that that Compromise in any way overreached or impaired the Compromise of 1820? Sir, that distinguished person, while opposing the combination of the several laws on the subject of California and the Territories, and Slavery, together in one bill, so as to constitute a Compromise, nevertheless voted for each one of those bills, severally; and in that way, and in that way only, they were passed. Had he known or understood that any one of them overreached and impaired the Missouri Compromise, we all know he would have perished before he would have given it his support.

Sir, if it was not irreverent, I would dare to call up the author of both of the Compromises in question, from his honored, though yet scarcely grass-covered grave, and challenge any advocate of this measure to confront that imperious shade, and say, that in making the Compromise of 1850, he intended or dreamed that he was subverting, or preparing the way for a subversion, of his greater work of 1820. Sir, if that eagle spirit is yet lingering here over the scene of his mortal labors, and watching over the welfare of the Republic he loved so well, his heart is now moved with more than human indignation against those who are perverting his last great public act from its legitimate uses, not merely to subvert the column, but to wrench from its very bed the base of the column that perpetuates his fame.

And that other proud and dominating Senator, who, sacrificing himself, gave the aid without which the Compromise of 1850 could not have been established—the Statesman of New England, and the Orator of America—who dare assert here, where his memory is yet fresh, though his unfettered spirit may be wandering in spheres far hence, that he intended to abrogate, or dreamed that, by virtue of or in consequence of that transaction, the Missouri Compromise would or could ever be abrogated? The portion of the Missouri Compromise you propose to abrogate is the Ordinance of 1787 extended to Nebraska. Hear what Daniel Webster said of that Ordinance itself, in 1830, in this very place, in reply to one who had undervalued it and its author:

"I spoke, sir, of the Ordinance of 1787, which prohibits Slavery, in all future time, northwest of the Ohio, as a measure of great wisdom and forethought, and one which has been attended with highly beneficial and permanent consequences."

And now hear what he said here, when advocating the Compromise of 1850:

"I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment in the United States, or any Territory of the United States, one single foot of land, the character of which, in regard to its being free territory or slave territory, is not fixed by some law, and some IRREPEALABLE law beyond the power of the action of this Government."

What *irrepealable* law, or what law of any kind, fixed the character of Nebraska as free or slave territory, except the Missouri Compromise act?

And now hear what Daniel Webster said when vindicating the Compromise of 1850, at Buffalo, in 1851:

"My opinion remains unchanged, that it was not within the original scope or design of the Constitution to admit new States out of foreign territory, and that whatever may be said at the Syracuse Convention or any other assemblage of insane persons, I never would consent, and never have consented, that there should be one foot of slave territory beyond what the old thirteen States had at the time of the formation of the Union! Never! Never!

"The man cannot show his face to me and say he can prove that I ever departed from that doctrine. He would sneak away, and slink away, or have a mercenary press to cry out, What an apostate from Liberty Daniel Webster has become! But he knows himself to be a hypocrite and a falsifier."

That Compromise was forced upon the slaveholding States and upon the non-slaveholding States as a mutual exchange of equivalents. The equivalents were accurately defined, and carefully scrutinized and weighed by the respective parties, through a period of eight months. The equivalents offered to the non-slaveholding States were: 1st, the admission of California; 2d, the abolition of the public slave trade in the District of Columbia. These, and these only, were the boons offered to them, and the only sacrifices which the slaveholding States were required to make. The waiver of the Wilmot Proviso in the incorporation of New Mexico and Utah, and a new fugitive slave law, were the only boons proposed to the slaveholding States, and the only sacrifices exacted of the non-slaveholding States. No other questions between them were agitated, except those which were involved in the gain or loss of more or less of free territory or of slave territory in the determination of the boundary between Texas and New Mexico, by a line that was at last arbitrarily made, expressly saving, even in *those Territories*, to the respective parties their respective shares of free soil and slave soil according to the articles of annexation of the Republic of Texas. Again: there were alleged to be five open, bleeding wounds in the Federal system, and *no more*, which needed surgery, and to which the Compromise of 1850 was to be a cataplasm. We all know what they were:

California without a Constitution; New Mexico in the grasp of military power; Utah neglected; the District of Columbia dishonored; and the rendition of fugitives denied. Nebraska was not even thought of in this catalogue of national ills. And now, sir, did the Nashville Convention of secessionists understand, that besides the enumerated boons offered to the slaveholding States, they were to have also the obliteration of the Missouri Compromise line of 1820? If they did, why did they reject, and scorn, and scout at the Compromise of 1850? Did the Legislatures and public assemblies of the non-slaveholding States, who made your table groan with their remonstrances, understand that Nebraska was an additional wound to be healed by the Compromise of 1850? If they did, why did they omit to remonstrate against the healing of that, too, as well as of the other five by the cataplasm, the application of which they resisted so long.

Again: Had it been then known that the Missouri Compromise was to be abolished, directly or indirectly, by the Compromise of 1850, what Representative from a non-slaveholding State would, at that day, have voted for it? Not one. What Senator from a slaveholding State would have voted for it? Not one. So entirely was it then unthought of that the new Compromise was to repeal the Missouri Compromise line of 36 deg. 30 min., in the region acquired from France, that one half of that long debate was spent on propositions made by Representatives from slaveholding States to extend the line further on through the new territory we had acquired so recently from Mexico until it should disappear in the waves of the Pacific Ocean, so as to secure actual toleration of Slavery in all of this new territory that should be south of that line; and these propositions were resisted seriously and successfully to the last by the Representatives of the non-slaveholding States, in order if it were possible to save the whole of those regions for the theatre of free labor.

I admit that these are only negative proofs, although they are pregnant with conviction. But here is one which is not only affirmative, but positive, and not more positive than conclusive:

In the fifth section of the Texas Boundary bill, one of the acts constituting the Compromise of 1850, are these words:

"*Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."

What was that third article of the second section of the joint resolution for annexing Texas? Here it is:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36 deg. 30 min. north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without Slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri Compromise line, Slavery or involuntary servitude (except for crime) shall be prohibited."

This article saved the Compromise of 1820, in express terms, overcoming any implication of its abrogation, which might, by accident or otherwise, have crept into the Compromise of 1850; and any inferences to that effect, that might be drawn from any such circumstance as that of drawing the boundary line of Utah so as to trespass on the Territory of Nebraska, dwelt upon by the Senator from Illinois.

The proposition to abrogate the Missouri Compromise, being thus stripped of the pretence that it is only a reiteration or a re-affirmation of a similar abrogation in the Compromise of 1850, or a necessary consequence of that measure, stands before us now upon its own merits, whatever they may be.

But here the Senator from Illinois challenges the assailants of these bills, on the ground that they were all opponents of the Compromise of 1850, and even of that of 1820. Sir, it is not my purpose to answer in person to this challenge. The necessity, reasonableness, justice, and wisdom of those Compromises, are not in question here now. My own opinions on them were, at a proper time, fully made known. I abide the judgment of my country and mankind upon them. For the present, I meet the Committee who have brought this measure forward, on the field they themselves have chosen, and the controversy is reduced to two questions—1st. Whether, by letter or spirit, the Compromise of 1850 abrogated, or involved a future abrogation of the Compromise of 1820? 2d. Whether this abrogation can now be made consistently with honor, justice, and good faith? As to my right, or that of any other Senator, to enter these lists, the credentials filed in the Secretary's office settles that question. Mine bear a seal, as broad and as firmly fixed there as any other, by a people as wise, as free, and as great, as any one of all the thirty-one Republics represented here.

But I will take leave to say, that an argument merely *ad personam*, seldom amounts to anything, more than an argument *ad captandum*. A life of approval of Compromises, and of devotion to them, only enhances the obligation faithfully to fulfil them. A life of disapprobation of the policy of Compromises, only renders one more earnest in exacting fulfilment of them, when good and cherished interests are secured by them.

Thus much for the report and the bills of the Committee, and for the positions of the parties in this debate. A measure so bold, so unlooked for, so startling, and yet so pregnant as this, should have some plea of necessity. Is there any such necessity? On the contrary, it is not necessary now, even if it be altogether wise, to establish Territorial Governments in Nebraska. Not less than eighteen tribes of Indians occupy that vast tract, fourteen of which, I am informed, have been removed there by our own act, and invested with a fee simple to enjoy a secure and perpetual home, safe from the intrusion and the annoyance, and even from the *presence* of the white man, and under the paternal care of the Government, and with the instruction of its teachers and mechanics, to acquire the arts of civilization, and the habits of social life. I will not say that this was done to prevent that territory, because denied to Slavery, from being occupied by free white men, and cultivated with free white labor; but I will say, that this removal of the Indians there under such guarantees, has had that effect. The territory can not be occupied now, any more than heretofore, by savages and white men, with or without slaves, together. Our experience and our Indian policy alike remove all dispute from this point. Either these preserved ranges must still remain to the Indians hereafter, or the Indians, whatever temporary resistance against removal they may make, must retire.

Where shall they go? Will you bring them back again across the Mississippi? There is no room for Indians here. Will you send them northward,

beyond your Territory of Nebraska, toward the British border? That is already occupied by Indians; there is no room there. Will you turn them loose upon Texas and New Mexico? There is no room there.

Will you drive them over the Rocky mountains? They will meet a tide of immigration there flowing into California from Europe and from Asia. Whither, then, shall they, the dispossessed, unpitied heirs of this vast continent, go? The answer is, nowhere. If they remain in Nebraska, of what use are your Charters! Of what harm is the Missouri Compromise in Nebraska, in that case? Whom doth it oppress? No one.

Who, indeed, demands territorial organization in Nebraska at all? The Indians? No. It is to them the consummation of a long-apprehended doom. Practically, no one demands it. I am told that the whole white population, scattered here and there, throughout these broad regions, exceeding in extent the whole of the inhabited part of the United States at the time of the Revolution, is less than fifteen hundred, and that these are chiefly trappers, missionaries, and a few mechanics and agents employed by the Government, in connection with the administration of Indian affairs, and other persons temporarily drawn around the post of Fort Leavenworth. It is clear, then, that this abrogation of the Missouri Compromise is not necessary for the purpose of establishing Territorial Governments in Nebraska, but that, on the contrary, these bills, establishing such governments, are only a vehicle for carrying, or a pretext for carrying, that act of abrogation.

It is alleged, that the non-slaveholding States have forfeited their rights in Nebraska, under the Missouri Compromise, by first breaking that compromise themselves. The argument is, that the Missouri Compromise line of 36 deg. 30 min., in the region acquired from France, although corresponding to that region which was our Western-most possession, was, nevertheless, understood as intended to be prospectively applied also to the territory reaching thence westward to the Pacific Ocean, which we should afterwards acquire from Mexico; and that when afterwards, having acquired these Territories, including California, New Mexico, and Utah, we were engaged in 1848 in extending Governments over them, the free States refused to extend that line, on a proposition to that effect made by the honorable Senator from Illinois.

It need only be stated, in refutation of this argument, that the Missouri Compromise law, like any other statute, was limited by the extent of the subject of which it treated. This subject was the Territory of Louisiana, acquired from France, whether the same were more or less, than in our lawful and peaceable possession. The length of the line of 36 deg. 30 min. established by the Missouri Compromise, was the distance between the parallels of longitude which were the borders of that possession. Young America—I mean aggrandizing, conquering America—had not yet been born; nor was the statesman then in being, who dreamed that, within thirty years afterward, we should have pushed our adventurous way not only across the Rocky Mountains, but also across the Snowy Mountains. Nor did any one then imagine, that even if we should have done so within the period I have named, we were then prospectively carving up and dividing, not only the mountain passes, but the Mexican Empire on the Pacific coast, between Freedom and Slavery. If such a proposition had been made then, and persisted in, we know enough of the temper of 1820 to know this, viz.: that Missouri and Arkansas would have stood outside of the Union until even this portentous day.

The time, for aught I know, may not be thirty years distant when the convulsions of the Celestial Empire and the decline of British sway in India shall have opened our way into the regions beyond the Pacific ocean. I desire to know now, and be fully certified of the geographical extent of the laws we are now passing, so that there may be no such mistake hereafter as that now complained of here. We are now confiding to Territorial Legislatures the power to legislate on Slavery. Are the Territories of Nebraska and Kansas alone within the purview of these acts? Or do they reach to the Pacific coast, and embrace also Oregon and Washington? Do they stop there, or do they take in China and India and Affghanistan, even to the gigantic chase of the Himalaya Mountains? Do they stop there, or, on the contrary, do they encircle the earth, and, meeting us again on the Atlantic coast, embrace the islands of Iceland and Greenland, and exhaust themselves on the barren coasts of Greenland and Labrador?

Sir, if the Missouri Compromise neither in its spirit nor by its letter extended the line of 36 deg. 30 min. beyond the confines of Louisiana, or beyond the then confines of the United States, for the terms are equivalent, then it was no violation of the Missouri Compromise in 1848 to refuse to extend it to the subsequently acquired possessions of Texas, New Mexico, and California.

But suppose we did refuse to extend it; how did that refusal work a forfeiture of our vested rights under it? I desire to know that.

Again: If this forfeiture of Nebraska occurred in 1848, as the Senator charges, how does it happen that he not only failed in 1850, when the parties were in court here, adjusting their mutual claims, to demand judgment against the free States, but, on the contrary, even urged that the same old Missouri Compromise line, yet held valid and sacred, should be extended through to the Pacific Ocean.

I come now to the chief ground of the defence of this extraordinary measure, which is, that it abolishes a geographical line of division between the proper fields of free labor and slave labor, and refers the claim between them to the people of the Territories. Even if this great change of policy was actually wise and necessary, I have shown that it is not necessary to make it now, in regard to the Territory of Nebraska. If it would be just elsewhere, it would be unjust in regard to Nebraska, simply because, for ample and adequate equivalents, fully received, you have contracted in effect not to abolish that line there.

But why is this change of policy wise or necessary? It must be because either that the extension of slavery is no evil, or because you have not the power to prevent it at all, or because the maintenance of a geographical line is no longer practicable.

I know that the opinion is sometimes advanced here and elsewhere, that the extension of Slavery, abstractly considered, is not an evil; but our laws prohibiting the African slave trade are still standing on the statute book, and express the contrary judgment of the American Congress and of the American People. I pass on, therefore, from that point.

Sir, I do not like, more than others, a geographical line between Freedom and Slavery. But it is because I would have, if it were possible, all our territory free. Since that cannot be, a line of divis-

ion is indispensable; and any line is a geographical line.

Some Senators have revived the argument that the Missouri Compromise was unconstitutional. But it is one of the peculiarities of compromises, that constitutional objections, like all others, are buried under them by those who make and ratify them, for the obvious reason that the parties at once waive them, and receive equivalents. Certainly, the slaveholding States, which waived their constitutional objections against the Compromise of 1820, and accepted equivalents therefor, cannot be allowed to revive and offer them now as a reason for refusing to the non-slaveholding States their rights under that Compromise, without first restoring the equivalents which they received on condition of surrendering their constitutional objections.

For argument's sake, however, let this reply be waived, and let us look at this constitutional objection. You say that the exclusion of Slavery by the Missouri Compromise reaches through and beyond the existence of the region organized as a Territory, and prohibits Slavery FOREVER, even in the States to be organized out of such Territory, while, on the contrary, the States, when admitted, will be sovereign, and must have exclusive jurisdiction over Slavery for themselves. Let this, too, be granted. But Congress, according to the Constitution, "may admit new States." If Congress may admit, then Congress may also refuse to admit—that is to say, may reject new States. The greater includes the less; therefore, Congress may admit, on the condition that the States shall exclude Slavery. If such a condition should be accepted, would it not be binding?

It is by no means necessary, on this occasion, to follow the argument further to the question, whether such a condition is in conflict with the constitutional provision, that the new States received shall be admitted on an equal footing with the original States, because, in this case, and at present, the question relates not to the admission of a *State*, but to the organization of a Territory, and the exclusion of Slavery within the Territory while its *status* as a Territory shall continue, and no further. Congress has power to exclude Slavery in Territories, if they have any power to create, control, or govern Territories at all, for this simple reason: that find the authority of Congress over the Territories wherever you may, there you find no exception from that general authority in favor of Slavery. If Congress has no authority over Slavery in the Territories, it has none in the District of Columbia. If, then, you abolish a law of Freedom in Nebraska, in order to establish a new policy of abnegation, then true consistency requires that you shall also abolish the Slavery laws in the District of Columbia, and submit the question of the toleration of Slavery within the District to its inhabitants.

If you reply, that the District of Columbia has no local or Territorial Legislature, then I rejoin, so also has not Nebraska, and so also has not Kansas. You are calling a Territorial Legislature into existence in Nebraska, and another in Kansas, to assume the jurisdiction on the subject of Slavery, which you renounce. Then consistency demands that you call into existence a Territorial Legislature in the District of Columbia, to assume the jurisdiction here, which you must also renounce. Will you do this? We shall see.

To come closer to the question: What is this principle of abnegating National authority on the subject of Slavery, in favor of the People? Do you abnegate all authority, whatever, in the Territories? Not at all; you abnegate only authority over Slavery there. Do you abnegate even that? No; you do not and you cannot. In the very act of abnegating you legislate, and enact that the States to be hereafter organized shall come in whether slave or free, as their inhabitants shall choose. Is not this legislating not only on the subject of Slavery in the Territories, but on the subject of Slavery even in the future States? In the very act of abnegating, you call into being a Legislature which shall assume the authority which you are renouncing. You not only exercise authority in that act, but you exercise authority over Slavery, when you confer on the Territorial Legislature the power to act upon that subject. More than this: In the very act of calling that Territorial Legislature into existence, you exercise authority in prescribing who may elect and who may be elected. You even reserve to yourselves a veto upon every act that they can pass as a legislative body, not only on all other subjects, but even on the subject of Slavery itself. Nor can you relinquish that veto; for it is absurd to say that you can create an agent, and depute to him the legislative authority of the United States, which your agent cannot at your own pleasure remove, and whose acts you cannot at your own pleasure disavow and repudiate. The Territorial Legislature is your agent. Its acts are your own. Such is the principle that is to supplant the ancient policy—a principle full of absurdities and contradictions.

Again. You claim that this policy of abnegation is based upon a democratic principle. A democratic principle is a principle opposed to some other that is despotic or aristocratic. You claim and exercise the power to institute and maintain governments in the Territories. Is this comprehensive power aristocratic or despotic? If it be not, how is the partial power aristocratic or despotic? You retain authority to appoint governors, without whose consent no laws can be made on any subject, and judges, without whose consideration no laws can be executed, and you retain the power to change them at pleasure. Are those powers, also, aristocratic or despotic? If they are not, then the exercise of legislative power by yourselves is not. If they are, then why not renounce them also? No, no. This is a far-fetched excuse. Democracy is a simple, uniform, logical system, not a system of arbitrary, contradictory, and conflicting principles!

But you must, nevertheless, renounce national authority over Slavery in the Territories, while you retain all other powers. What is this but a mere evasion of solemn responsibilities? The general authority of Congress over the Territories is one wisely confided to the National Legislature, to save young and growing communities from the dangers which beset them in their state of pupilage, and to prevent them from adopting any policy that shall be at war with their own lasting interests or with the general welfare of the whole Republic. The authority over the subject of Slavery is that which ought to be renounced last of all, in favor of Territorial Legislatures, because, from the very circumstances of the Territories, those Legislatures are likely to yield too readily to ephemeral influences and interested offers of favor and patronage. They see neither the great Future of the Territories, nor the comprehensive and ultimate interests of the whole Republic as clearly as you see them, or ought to see them.

I have heard sectional excuses given for supporting this measure. I have heard Senators from the slaveholding States say that they ought not be expected to stand by the non-slaveholding States, when

they refuse to stand by themselves; that they ought not to be expected to refuse the boon offered to the slaveholding States, since it is offered by the non-slaveholding States themselves. I not only confess the plausibility of these excuses, but I feel the justice of the reproach which they imply against the non-slaveholding States, as far as the assumption is true. Nevertheless, Senators from the slaveholding States must consider well whether that assumption is, in any considerable degree, founded in fact. If one or more Senators from the North decline to stand by the non-slaveholding States, or offer a boon in their name, others from that region do, nevertheless, stand firmly on their rights, and protest against the giving or the acceptance of the boon. It has been said that the North does not speak out, so as to enable you to decide between the conflicting voices of her Representatives. Are you quite sure you have given her timely notice? Have you not, on the contrary, hurried this measure forward to anticipate her awaking from the slumber of conscious security into which she has been lulled by your last Compromise? Have you not heard already the quick, sharp protest of the Legislature of the smallest of the non-slaveholding States, Rhode Island? Have you not already heard the deep-toned and earnest protest of the greatest of those States, New York? Have you not already heard remonstrances from the Metropolis, and from the rural districts? Do you doubt that this is only the rising of the agitation that you profess to believe is at rest for ever? Do you forget that in all such transactions as these, the people have a reserved right to review the acts of their Representatives, and a right to demand a reconsideration; that there is in our legislative practice a form of RE-ENACTMENT, as well as an act of *repeal;* and that there is in our political system provision not only for *abrogation,* but for RESTORATION also?

Senators from the slaveholding States: You are politicians as well as statesmen. Let me remind you, therefore, that political movements in this country, as in all others, have their times of action and reaction. The pendulum moved up the side of freedom in 1840, and swung back again in 1844 on the side of Slavery, traversed the dial in 1848, and touched even the mark of the Wilmot Proviso, and returned again in 1852, reaching even the height of the Baltimore Platform. Judge for yourselves whether it is yet ascending, and whether it will attain the height of the abrogation of the Missouri Compromise. That is the mark you are fixing for it. For myself, I may claim to know something of the North. I see in the changes of the times only the vibrations of the needle, trembling on its pivot. I know that in due time it will settle, and when it shall have settled it will point, as it must point for ever, to the same constant polar-star, that sheds down freedom broadly wherever it pours forth its mild but invigorating light.

Mr. President, I have nothing to do, here or elsewhere, with personal or party motives. But I come to consider the motive which is publicly assigned for this transaction. It is a desire to secure permanent peace and harmony on the subject of Slavery, by removing all occasion for its future agitation in the Federal Legislature. Was there not peace already here? Was there not harmony as perfect as is ever possible in the country, when this measure was moved in the Senate a month ago? Was there not, and was not the whole nation grappling with that one great common, universal interest, the opening of a communication between two ocean frontiers; and were we not already reckoning upon the quick and busy subjugation of nature throughout the interior of the continent to the uses of man, and dwelling, with almost rapturous enthusiasm, on the prospective enlargement of our commerce in the East, and of our political sway throughout the world? And what have we now here but the oblivion of death covering the very memory of those great enterprises, and prospects, and hopes?

Senators from the non-slaveholding States: You want peace. Think well, I beseech you, before you yield the price now demanded, even for peace and rest from Slavery agitation. France has got peace from Republican agitation by a similar sacrifice. So has Poland; so has Hungary; and so, at last, has Ireland. Is the peace which either of those nations enjoys worth the price it cost? Is peace, obtained at such cost, ever a lasting peace?

Senators from the slaveholding States: You, too, suppose that you are securing peace as well as victory in this transaction. I tell you now, as I told you in 1850, that it is an error, an unnecessary error, to suppose, that because you exclude Slavery from these Halls to-day, that it will not revisit them tomorrow. You buried the Wilmot Proviso here then, and celebrated its obsequies with pomp and revelry. And here it is again to-day, stalking through these Halls, clad in complete steel as before. Even if those whom you denounce as factionists in the North would let it rest, you yourselves must evoke it from its grave. The reason is obvious. Say what you will, do what you will, here, the interests of the non-slaveholding States and of the slaveholding States remain just the same; and they will remain just the same, until you shall cease to cherish and defend Slavery, or we shall cease to honor and love Freedom! You will not cease to cherish Slavery. Do you see any signs that we are becoming indifferent to Freedom? On the contrary, that old, traditional, hereditary sentiment of the North is more profound and more universal now than it ever was before. The Slavery agitation you deprecate so much is an eternal struggle between Conservatism and Progress, between Truth and Error, between Right and Wrong. You may sooner, by act of Congress, compel the sea to suppress its upheavings, and the round earth to extinguish its internal fires, than oblige the human mind to cease its inquirings, and the human heart to desist from its throbbings.

Suppose, then, for a moment that this agitation must go on hereafter as heretofore. Then, hereafter as heretofore, there will be need, on both sides, of moderation, and to secure moderation there will be need of mediation. Hitherto you have secured moderation by means of compromises, by tendering which, the great Mediator, now no more, divided the people of the North. But then those in the North who did not sympathize with you in your complaints of aggression from that quarter, as well as those who did, agreed that if compromises should be effected, they would be chivalrously kept on your part. I cheerfully admit that they have been so kept until now. But hereafter, when having taken advantage, which in the North will be called fraudulent, of the last of those compromises, to become, as you will be called, the aggressors, by breaking the other, as will be alleged, in violation of plighted faith and honor, while the Slavery agitation is rising higher than ever before, and while your ancient friends, and those whom you persist in regarding as your enemies, shall have been driven together by a common and universal sense of your injustice, what new mode of restoring peace and harmony will you then

propose? What Statesman will there be in the South then, who can bear the flag of truce? What Statesman in the North who can mediate the acceptance of your new proposals?

If, however, I err in all this, let us suppose that you succeed in suppressing political agitation of Slavery in national affairs. Nevertheless, agitation of Slavery must go on in some form; for all the world around you is engaged in it. It is, then, high time for you to consider where you may expect to meet it next. I much mistake if, in that case you do not meet it there where we, who once were slaveholding States as you now are, have met, and, happily for us, succumbed before it, namely, in the legislative halls, in the churches and schools, and at the fireside, within the States themselves. It is an angel with which, sooner or later, every slaveholding State must wrestle, and by which it must be overcome. Even if, by reason of this measure, it should the sooner come to that point, and although I am sure that you will not overcome Freedom, but that Freedom will overcome you, yet I do not look even then for disastrous or unhappy results. The institutions of our country are so framed, that the inevitable conflict of opinion on Slavery, as on every other subject, cannot be otherwise than peaceful in its course and beneficent in its termination.

Nor shall I "bate one jot of heart or hope," in maintaining a just equilibrium of the non-slaveholding States, even if this ill-starred measure shall be adopted. The non-slaveholding States are teeming with an increase of freemen—educated, vigorous, enlightened, enterprising freemen; such freemen as neither England, nor Rome, nor even Athens, ever reared. Half a million of freemen from Europe annually augment that increase; and, ten years hence, half a million, twenty years hence a million, of freemen from Asia, will augment it still more. You may obstruct, and so turn the direction of those peaceful armies away from Nebraska. So long as you shall leave them room on hill or prairie, by river side or in the mountain fastnesses, they will dispose of themselves peacefully and lawfully in the places you shall have left open to them; and there they will erect new States upon free soil, to be for ever maintained and defended by free arms, and aggrandized by free labor. American Slavery, I know, has a large and ever-flowing spring, but it cannot pour forth its blackened tide in volumes like that I have described. If you are wise, these tides of freemen and of slaves will never meet, for they will not voluntarily commingle; but if, nevertheless, through your own erroneous policy, their repulsive currents must be directed against each other, so that they needs must meet, then it is easy to see, in that case, which of them will overcome the resistance of the other, and which of them, thus overpowered, will roll back to drown the sources which sent it forth.

"Man proposes and God disposes." You may legislate and abrogate and abnegate as you will; but there is a superior Power that overrules all your actions, and all your refusals to act; and I fondly hope and trust overrules them to the advancement of the greatness and glory of our country—that overrules, I know, not only all your actions and all your refusals to act, but all human events, to the distant but inevitable result of the equal and universal liberty of all men.

SPEECH OF THE HON. CHARLES SUMNER, OF MASS.,

IN THE SENATE, FEB. 21, 1854.

THE LANDMARK OF FREEDOM.

MR. PRESIDENT: I approach this discussion with awe. The mighty question, with untold issues, which it involves, oppresses me. Like a portentous cloud, surcharged with irresistible storm and ruin, it seems to fill the whole heavens, making the painfully conscious how unequal I am to the occasion—how unequal, also, is all that I can say, to all that I feel.

In delivering my sentiments here to-day, I shall speak frankly—according to my convictions, without concealment or reserve. But if anything fell from the Senator from Illinois, [Mr. DOUGLAS,] in opening this discussion, which might seem to challenge a personal contest, I desire to say that I shall not enter upon it. Let not a word or a tone pass my lips to direct attention for a moment from the transcendent theme, by the side of which Senators and Presidents are but dwarfs. I would not forget those amenities which belong to this place, and are so well calculated to temper the antagonism of debate; nor can I cease to remember and to feel that, amid all diversities of opinion, we are the representatives of thirty-one sister-Republics, knit together by indissoluble ties, and constituting that Plural Unit which we all embrace by the endearing name of country.

The question presented for your consideration is not surpassed in grandeur by any which has occurred in our national history since the Declaration of Independence. In every aspect it assumes gigantic proportions, whether we simply consider the extent of territory it concerns, or the public faith or national policy which it affects, or that higher question—that *Question of Questions*—as far above others as Liberty is above the common things of life—which it opens anew for judgment.

It concerns an immense region, larger than the original thirteen States, vying in extent with all the existing Free States, stretching over prairie, field, and forest—interlaced by silver streams, skirted by protecting mountains, and constituting the heart of the North American continent—only a little smaller, let me add, than the three great European countries combined—Italy, Spain, and France—each of which, in succession, has dominated over the world. This territory has already been likened, on this floor, to the Garden of God. The similitude is found, not merely in its present pure and virgin character, but in its actual geographical situation, occupying central spaces on this hemisphere, which, in their general relations, may well compare with that early Asiatic home. We are told that—

"Southward through Eden went a river large;"

so here we have a stream which is larger than the Euphrates. And here, too, amid all the smiling products of Nature, lavished by the hand of God, is the goodly tree of Liberty, planted by our fathers, which, without exaggeration, or even imagination, may be likened to

"——— the tree of life,
High eminent, blooming ambrosial fruit
Of Vegetable gold."

It is with regard to this territory that you are now called to exercise the grandest function of the lawgiver, by establishing those rules of polity which will determine its future character. As the twig is bent, the tree inclines; and the influences impressed upon the early days of an empire—like those upon a child—are of inconceivable importance to its future weal or woe. The bill now before us proposes to organize and equip two new Territorial establishments, with governors, secretaries, legislative councils, legislators, judges, marshals, and the whole machinery of civil society. Such a measure, at any time, would deserve the most careful attention. But, at the present moment, it justly excites a peculiar interest, from the effort made—on pretences unsustained by facts—in violation of solemn covenant, and of the early principles of our fathers—to open this immense region to Slavery.

According to existing law, this Territory is now guarded against Slavery by a positive prohibition, embodied in the Act of Congress, approved March 6, 1820, preparatory to the admission of Missouri into the Union as a sister-State, and in the following explicit words:—

"SEC. 8. *Be it further enacted*, That in all that Territory *ceded by France to the United States, under the name of Louisiana*, which lies north of thirty-six degrees and thirty minutes of north latitude, not included within the limits of the State contemplated by this act, SLAVERY AND INVOLUNTARY SERVITUDE, otherwise than as the punishment of crimes, SHALL BE, AND IS HEREBY, FOR EVER PROHIBITED."

It is now proposed to set aside this prohibition; but there seems to be a singular indecision as to the way in which the deed shall be done. From the time of its first introduction, in the report of the Committee on Territories, the proposition has assumed different shapes; and it promises to assume as many as Proteus; now, one thing in form, and now, another; now like a river, and then like a flame; but, in every form and shape, identical in substance; with but one end and aim—its be-all and end-all—the overthrow of the Prohibition of Slavery.

At first it proposed simply to declare, that the States formed out of this Territory should be admitted into the Union, "with or without Slavery," and did not directly assume to touch this prohibition. For some reason this was not satisfactory, and then it was precipitately proposed to declare, that the

prohibition in the Missouri act "was superseded by the principles of the legislation of 1850, commonly called the Compromise Measures, and is hereby declared inoperative." But this would not do; and it is now proposed to declare, that the Prohibition, "being inconsistent with the principles of non-intervention, by Congress, with Slavery in the States and Territories, as recognised by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void."

All this is to be done on pretences founded upon the Slavery enactments of 1850. Now, sir, I am not here to speak in behalf of those measures, or to lean in any way upon their support. Relating to different subject-matters, contained in different acts, which prevailed successively, at different times, and by different votes—some persons voting for one measure, and some voting for another, and very few voting for all—they cannot be regarded as a unit, embodying conditions of compact, or compromise, if you please, adopted equally by all parties, and, therefore, obligatory on all parties. But since this broken series of measures has been adduced as an apology for the proposition now before us, I desire to say, that, such as they are, they cannot, by any effort of interpretation, by any distorting wand of power, by any perverse alchemy, be transmuted into a repeal of that original prohibition of Slavery.

On this head there are several points to which I would merely call attention, and then pass on. *First:* The Slavery enactments of 1850 did not pretend, in terms, to touch, much less to change, the condition of the Louisiana Territory, which was already fixed by Congressional enactment, but simply acted upon "newly-acquired Territories," the condition of which was not already fixed by Congressional enactment. The two transactions related to different subject-matters. *Secondly:* The enactments do not directly touch the subject of Slavery, during the territorial existence of Utah and New Mexico: but they provide prospectively, that, when admitted as States, they shall be received "with or without Slavery." Here certainly can be no overthrow of an act of Congress which directly concerns a Territory *during its Territorial existence*. *Thirdly:* During all the discussion of these measures in Congress, and afterwards before the people, and through the public press at the North and the South alike, no person was heard to intimate that the prohibition of Slavery in the Missouri Act was in any way disturbed. And, *fourthly:* The acts themselves contain a formal provision, that "nothing herein contained shall be construed to impair or qualify anything" in a certain article of the resolutions annexing Texas, wherein it is expressly declared, that in territory north of the Missouri Compromise line, "Slavery, or involuntary servitude, except for crime, shall be prohibited."

But I do not dwell on these things. These pretences have been already amply refuted by Senators who have preceded me. It is clear, beyond all contradiction, that the prohibition of Slavery in this territory has not been superseded or in any way annulled by the Slavery Acts of 1850. The proposition before you is, therefore, original in its character, without sanction from any former legislation; and it must, accordingly, be judged by its merits, as an original proposition.

Here let it be remembered that the friends of Freedom are not open to any charge of aggression. They are now standing on the defensive, guarding the early intrenchments thrown up by our fathers. No proposition to abolish Slavery anywhere is now before you; but, on the contrary, a proposition to abolish Freedom. The term Abolitionist, which is so often applied in reproach, justly belongs, on this occasion, to him who would overthrow this well-established landmark. He is, indeed, no Abolitionist of Slavery; let him be called, sir, an Abolitionist of Freedom. For myself, whether with many or few, my place is taken. Even if alone, my feeble arm shall not be wanting as a bar against this outrage.

On two distinct grounds, "both strong against the deed," I arraign this proposition—*first*, in the name of Public Faith, as an infraction of the solemn obligations assumed beyond recall by the South on the admission of Missouri into the Union as a Slave State; *secondly*, I arraign it in the name of Freedom, as an unjustifiable departure from the original Anti-Slavery policy of our fathers. These two heads I propose to consider in their order, glancing under the latter at the objections to the prohibition of Slavery in the Territories.

And here, sir, before I approach the argument indulge me with a few preliminary words on the character of this proposition. Slavery is the forcible subjection of one human being, in person, labor, or property, to the will of another. In this simple statement is involved its whole injustice. There is no offence against religion, against morals, against humanity, which may not stalk, in the license of this institution, "unwhipt of justice." For the husband and wife there is no marriage; for the mother there is no assurance that her infant child will not be ravished from her breast; for all who bear the name of Slave, there is nothing that they can call their own. Without a father, without a mother, almost without a God, he has nothing but a master. It would be contrary to that Rule of Right, which is ordained by God, if such a system, though mitigated often by a patriarchal kindness, and by a plausible physical comfort, could be otherwise than pernicious in its influences. It is confessed, that the master suffers not less than the slave. And this is not all. The whole social fabric is disorganized; labor loses its dignity; industry sickens; education finds no schools, and all the land of Slavery is impoverished. And now, sir, when the conscience of mankind is at last aroused to these things, when, throughout the civilized world, a slavedealer is a by-word and a reproach, we, as a nation, are about to open a new market to the traffickers in flesh, that haunt the shambles of the South. Such an act, at this time, is removed from all reach of that palliation often vouchsafed to Slavery. This wrong, we are speciously told, by those who seek to defend it, is not our original sin. It was entailed upon us, so we are instructed, by our ancestors; and the responsibility is often, with exultation, thrown upon the mother country. Now, without stopping to inquire into the value of this apology, which is never adduced in behalf of other abuses, and which availed nothing against that kingly power, imposed by the mother country, and which our fathers overthrew, it is sufficient, for the present purpose, to know, that it is now proposed to make Slavery our own original act. Here is a fresh case of actual transgression, which we cannot cast upon the shoulders of any progenitors, nor upon any mother country, distant in time or place. The Congress of the United States, the people of the United States, at this day, in this vaunted period of light, will be responsible for it, so that it shall be said hereafter, so long as the dismal history of Slavery is read, that, in the year of Christ 1854, a new and deliberate act was passed, by which a vast territory was opened to its inroads.

Alone in the company of nations does our country assume this hateful championship. In despotic Russia, the serfdom which constitutes the "peculiar institution" of that great empire, is never allowed to travel with the imperial flag, according to the American pretension, into provinces newly acquired by the common blood and treasure, but is carefully restricted by positive prohibition, in harmony with the general conscience, within its ancient confines; and this prohibition—the Wilmot Proviso of Russia —is rigorously enforced, on every side, in all the provinces, as in Bessarabia on the south, and Poland on the west, so that, in fact, no Russian nobleman has been able to move into these important territories with his slaves. Thus Russia speaks for Freedom, and disowns the slaveholding dogma of our country. Far away in the East, at "the gateways of the city," in effeminate India, slavery has been condemned; in Constantinople, the queenly seat of the most powerful Mahomedan empire, where barbarism still mingles with civilization, the Ottoman Sultan has fastened upon it the stigma of disapprobation; the Barbary States of Africa, occupying the same parallels of latitude with the slave States of our Union, and resembling them in the nature of their boundaries, their productions, their climate, and the "peculiar institution," which sought shelter in both, have been changed into Abolitionists. Algiers, seated near the line of 36 deg. 30 min., has been dedicated to Freedom. Morocco, by its untutored ruler, has expressed its desire, stamped in the formal terms of a treaty, that the very name of slavery may perish from the minds of men; and only recently, from the Dey of Tunis has proceeded that noble act, by which, "In honor of God, and to distinguish man from the brute creation"—I quote his own words—he decreed its total abolition throughout his dominions. Let Christian America be willing to be taught by these examples. God forbid that our Republic—"heir of all the ages, foremost in the files of time"—should adopt anew the barbarism which they have renounced.

As the effort now making is extraordinary in character, so no assumption seems too extraordinary to be wielded in its support. The primal truth of the equality of men, as proclaimed in our Declaration of Independence, has been assailed, and this great charter of our country discredited. Sir, you and I will soon pass away, but that will continue to stand, above impeachment or question. The Declaration of Independence was a Declaration of Rights, and the language employed, though general in its character, must obviously be restrained within the design and sphere of a Declaration of Rights, involving no such absurdity as was attributed to it yesterday by the Senator from Indiana, [Mr. Pettit.] Sir, it is a palpable fact that men are not born equal in physical strength or in mental capacities, in beauty of form or health of body. These mortal cloaks of flesh differ, as do these worldly garments. Diversity or inequality in these respects is the law of creation. But, as God is no respecter of persons, and as all are equal in his sight, whether Dives or Lazarus, master or slave, so are all equal in natural inborn rights; and, pardon me, if I say, it is a vain sophism to adduce in argument against this vital axiom of Liberty, the physical or mental inequalities by which men are characterized, or the unhappy degradation to which, in violation of a common brotherhood, they are doomed. To deny the Declaration of Independence is to rush on the bosses of the shield of the Almighty, which, in all respects, the present measure seems to do.

To the delusive suggestion of the able Senator from North Carolina, [Mr. Badger,] that by the overthrow of this prohibition, the number of slaves will not be increased, that there will be simply a beneficent diffusion of Slavery, and not its extension, I reply at once, that this argument, if of any value—if not mere words, and nothing else—would equally justify and require the overthrow of the prohibition of Slavery in the free States, and, indeed, everywhere throughout the world. All the dikes, which, in different countries, from time to time, with the march of civilization, have been painfully set up against the inroads of this evil, must be removed, and every land opened anew to its destructive flood. It is clear, beyond dispute, that by the overthrow of this prohibition, Slavery will be quickened, and slaves themselves will be multiplied, while new "room and verge" will be secured for the gloomy operations of slave law, under which free labor will droop, and a vast territory will be smitten with sterility. Sir, a blade of grass would not grow where the horse of Attila had trod; nor can any true prosperity spring up in the foot-prints of the slave.

But it is suggested that slaves will not be carried into Nebraska in large numbers, and that, therefore, the question is of small practical moment. My distinguished colleague, [Mr. Everett,] in his eloquent speech, hearkened this suggestion, and allowed himself, while upholding the prohibition, to disparage its importance in a manner, from which I feel constrained kindly, but most strenuously, to dissent. Sir, the census shows that it is of vital consequence. There is Missouri at this moment, with Illinois on the east and Nebraska on the west, all covering nearly the same spaces of latitude, and resembling each other in soil, climate, and productions. Mark, now, the contrast! By the potent efficacy of the Ordinance of the Northwestern Territory, Illinois is now a free State, while Missouri has 87,422 slaves; and the simple question which challenges an answer is, whether Nebraska shall be preserved in the condition of Illinois, or surrendered to that of Missouri? Surely this can not be treated lightly.

But for myself, I am unwilling to measure the exigency of the prohibition by the number of persons, whether many or few, whom it may protect. Human rights, whether in a solitary individual or a vast multitude, are entitled to an equal and unhesitating support. In this spirit, the flag of our country only recently became the impenetrable panoply of a homeless wanderer, who claimed its protection in a distant sea; and in this spirit, I am constrained to declare that there is no place accessible to human avarice, or human lust, or human force, whether in the lowest valley, or on the loftiest mountain-top, whether on the broad flower-spangled prairies, or the snowy crests of the Rocky Mountains, where the prohibition of Slavery, like the commandments of the Decalogue, should not go.

But leaving these things behind, I press at once to the argument.

I. And now, sir, in the name of that Public Faith, which is the very ligament of civil society, and which the great Roman orator tells us it is detestable to break even with an enemy, I arraign this scheme, and hold it up to the judgment of all who hear me. There is an early Italian story of an experienced citizen, who, when his nephew told him he had been studying at the university of Bologna, the science of *right*, said in reply, "You have spent your time to little purpose. It would have been better had you learned the science of *might*, for that is worth two of the other;" and

the bystanders of that day all agreed that the veteran spoke the truth. I begin, sir, by assuming that honorable Senators will not act in this spirit—that they will not substitute *might* for *right*—that they will not wantonly and flagitiously discard any obligation, pledge, or covenant, because they chance to possess the power; but that, as honest men, desirous to do right, they will confront this question.

Sir, the proposition before you involves not merely the repeal of an existing law, but the infraction of solemn obligations originally proposed and assumed by the South, after a protracted and embittered contest, as a covenant of peace—with regard to certain specified territory therein described, namely: "All that Territory ceded by France to the United States, under the name of Louisiana;" according to which, in consideration of the admission into the Union of Missouri as a slave State, slavery was for ever prohibited in all the remaining part of this Territory which lies north of 36 deg. 30 min. This arrangement, between different sections of the Union—the Slave States of the first part and the Free States of the second part—though usually known as the Missouri Compromise, was at the time styled a COMPACT. In its stipulations for Slavery, it was justly repugnant to the conscience of the North, and ought never to have been made; but it has on that side been performed. And now the unperformed outstanding obligations to Freedom, originally proposed and assumed by the South, are resisted.

Years have passed since these obligations were embodied in the legislation of Congress, and accepted by the country. Meanwhile, the statesmen by whom they were framed and vindicated, have, one by one, dropped from this earthly sphere. Their living voices can not now be heard, to plead for the preservation of that Public Faith to which they were pledged. But this extraordinary lapse of time, with the complete fruition by one party of all the benefits belonging to it, under the compact, gives to the transaction an added and most sacred strength. Prescription steps in with new bonds, to confirm the original work; to the end that while men are mortal, controversies shall not be immortal. Death, with inexorable scythe, has mowed down the authors of this compact; but, with conservative hour-glass, it has counted out a succession of years, which now defile before us, like so many sentinels, to guard the sacred landmark of Freedom.

A simple statement of facts, derived from the journals of Congress and contemporary records, will show the origin and nature of this compact, the influence by which it was established, and the obligations which it imposed.

As early as 1818, at the first session of the fifteenth Congress, a bill was reported to the House of Representatives authorizing the people of the Missouri Territory to form a Constitution and State Government, for the admission of such State into the Union; but, at that session, no final action was had thereon. At the next session, in February, 1819, the bill was again brought forward, when an eminent Representative of New York, whose life has been spared till this last summer, Mr. JAMES TALLMADGE, moved a clause prohibiting any further introduction of slaves into the proposed State, and securing freedom to the children born within the State after its admission into the Union, on attaining twenty-five years of age. This important proposition, which assumed a power not only to prohibit the ingress of Slavery into the State itself, but also to abolish it there, was passed in the affirmative, after a vehement debate of three days. On a division of the question, the first part, prohibiting the further introduction of slaves, was adopted by 87 yeas to 76 nays; the second part, providing for the emancipation of children, was adopted by 82 yeas to 78 nays. Other propositions to thwart the operation of these amendments were voted down, and on the 17th of February the bill was read a third time, and passed with these important restrictions.

In the Senate, after debate, the provision for the emaucipation of children was struck out by 31 yeas to 7 nays; the other provision, against the further introduction of Slavery, was struck out by 22 yeas to 16 nays. Thus emasculated, the bill was returned to the House, which, on March 2d, by a vote of 78 nays to 76 yeas, refused its concurrence. The Senate adhered to their amendments, and the House, by 78 yeas to 66 nays, adhered to their disagreement; and so at this session the Missouri bill was lost; and here was a temporary triumph of Freedom.

Meanwhile, the same controversy was renewed on the bill pending at the same time for the organization of the Territory of Arkansas, then known as the southern part of the Territory of Missouri. The restrictions already adopted in the Missouri bill were moved by Mr. TAYLOR, of New York, subsequently Speaker; but after at least six close votes, on the yeas and nays, in one of which the House was equally divided, 88 yeas to 88 nays, they were lost. Another proposition by Mr. TAYLOR, simpler in form, that Slavery should not hereafter be introduced into this Territory, was lost by 90 nays to 86 yeas; and the Arkansas bill on February 25th was read the third time and passed. In the Senate, Mr. BURRILL, of Rhode Island, moved, as an amendment, the prohibition of the further introduction of Slavery into this Territory, which was lost by 19 nays to 14 yeas. And thus, without any provision for Freedom, Arkansas was organized as a Territory; and here was a triumph of Slavery.

At this same session, Alabama was admitted as a Slave State, without any restriction or objection.

It was in the discussion on the Arkansas bill, at this session, that we find the earliest suggestions of a Compromise. Defeated in his efforts to prohibit Slavery in the territory, Mr. Taylor stated that "he thought it important that some line should be designated beyond which Slavery should not be permitted." He suggested its prohibition hereafter in all territories of the United States north of 36 deg. 30 min. north latitude. This proposition, though withdrawn after debate, was at once welcomed by Mr. Livermore, of New Hampshire, "as made in the true spirit of compromise." It was opposed by Mr. Rhea, of Tennessee, on behalf of Slavery, who avowed himself against every restriction; and also by Mr. Ogle, of Pennsylvania, on behalf of Freedom, who was "against any Compromise by which Slavery, in any of the Territories, should be recognised or sanctioned by Congress." In this spirit it was opposed and supported by others, among whom was General Harrison, afterwards President of the United States, who "assented to the expediency of establishing some such line of discrimination;" but proposed a line due west from the mouth of the Des Moines, thus constituting the northern and not the southern boundary of Missouri, the partition line between Freedom and Slavery.

But this idea of Compromise, though suggested by Taylor, was thus early adopted and vindicated in this very debate, by an eminent character, Mr. LOUIS MCLANE, of Delaware, who has since held

high office in the country, and enjoyed no common measure of public confidence. Of all the leading actors in these early scenes, he and Mr. MERCER alone are yet spared. On this occasion he said:

"The fixing of a line on the west of the Mississippi, north of which Slavery should not be tolerated, *had always been with him a favorite policy*, and he hoped the day was not distant when, upon the principles of *fair compromise*, it might constitutionally be effected. The present attempt he regarded as premature."

After opposing the restriction on Missouri, he concluded by declaring:

"At the same time, I do not mean to abandon the policy to which I alluded in the commencement of my remarks. I think it but fair that both sections of the Union should be accommodated on this subject, with regard to which so much feeling has been manifested. The same great motives of policy which reconciled and harmonized the jarring and discordant elements of our system originally, and which enabled the framers of our happy Constitution to compromise the different interests which then prevailed on this and other subjects, if properly cherished by us, will enable us to achieve similar objects. If we meet upon principles of reciprocity, we cannot fail to do justice to all. *It has already been avowed, by gentlemen on the floor from the South and the West, that they will agree upon a line which shall divide the slaveholding from the non-slaveholding States. It is this proposition I am anxious to effect; but I wish to effect it by some means which shall be binding upon all parties and all subsequent Legislatures*; which cannot be changed, and will not fluctuate with the diversity of feeling and of sentiment to which this empire, in its march, must be destined. There is a vast and luxurious tract of country west of the Mississippi, yet to be settled, and intimately connected with the Northern section of the Union, upon which this Compromise can be effected."

The suggestions of Compromise were at this time vain; each party was determined. The North, by the prevailing voice of its representatives, claimed all for Freedom; the South, by its potential command of the Senate, claimed all for Slavery.

The report of this debate aroused the country. For the first time in our history, Freedom, after an animated struggle, hand to hand, had been kept in check by Slavery. The original policy of our Fathers in the restriction of Slavery was suspended, and this giant wrong threatened to stalk into all the broad national domain. Men at the North were humbled and amazed. The imperious demands of Slavery seemed incredible. Meanwhile, the whole subject was adjourned from Congress to the people. Through the press and at public meetings, an earnest voice was raised against the admission of Missouri into the Union without the restriction of Slavery. Judges left the bench and clergymen the pulpit, to swell the indignant protest which arose from good men, without distinction of party or of pursuit.

The movement was not confined to a few persons, nor to a few States. A public meeting, at Trenton, in New Jersey, was followed by others in New York and Philadelphia, and finally at Worcester, Salem, and Boston, where committees were organized to rally the citizens. The citizens of Baltimore convened at the court-house, with the Mayor in the chair, resolved that the future admission of slaves into the States hereafter formed west of the Mississippi, ought to be prohibited by Congress. Villages, towns, and cities, by memorial, petition, and prayer, called upon Congress to maintain the great principle of the prohibition of Slavery. The same principle was also commended by the resolutions of State Legislatures; and Pennsylvania, inspired by the teachings of Franklin and the convictions of the respectable denomination of Friends, unanimously asserted at once the right and duty of Congress to prohibit Slavery west of the Mississippi, and solemnly called appealed to her sister States, "to refuse to covenant with crime." New Jersey and Delaware followed, both also unanimously. Ohio asserted the same principle; so did also Indiana. The latter State, not content with providing for the future, severely censured one of its Senators, for his vote to organize Arkansas without the prohibition of Slavery. The resolutions of New York were reinforced by the recommendation of DE WITT CLINTON.

Amidst these excitements, Congress came together, in December, 1819, taking possession of these Halls of the Capitol for the first time since their desolation by the British. On the day after the receipt of the President's Message, two several committees of the House were constituted, one to consider the application of Maine, and the other of Missouri, to enter the Union as separate and independent States. With only the delay of a single day, the bill for the admission of Missouri was reported to the House without the restriction of Slavery; but, as if shrinking from the immediate discussion of the great question it involved, afterwards, on the motion of Mr. MERCER, of Virginia, its consideration was postponed for several weeks; all which, be it observed, is in open contrast with the manner in which the present discussion has been precipitated upon Congress. Meanwhile, the Maine bill, when reported to the House, was promptly acted upon, and sent to the Senate.

In the interval between the report of the Missouri bill and its consideration by the House, a committee was constituted, on motion of Mr. TAYLOR, of New York, to inquire into the expediency of prohibiting the introduction of Slavery into the Territories west of the Mississippi. This committee, at the end of a fortnight, was discharged from further consideration of the subject, which, it was understood, would enter into the postponed debate on the Missouri bill. This early effort to interdict Slavery in the Territories by a special law is worthy of notice, on account of some of the expressions of opinion which it drew forth. In the course of his remarks, Mr. Taylor declared, that—

"He presumed there were no members, he knew of none, who doubted the constitutional power of Congress to impose such a restriction on the Territories."

A generous voice from Virgina recognised at once the right and duty of Congress. This was from Charles Fenton Mercer, who declared, that—

"When the question proposed should come fairly before the House, he should support the proposition. He should record his vote against suffering the dark cloud of inhumanity, which now darkened his country, from rolling on beyond the peaceful shores of the Mississippi."

At length, on the 26th January, 1820, the House resolved itself into Committee of the Whole on the Missouri bill, and proceeded with its discussion, day by day, till the 28th of February, when it was reported back with amendments. But, meanwhile, the same question was presented to the Senate, where a conclusion was reached earlier than in the House. A clause for the admission of Missouri was tacked to the Maine bill. To this an amendment was moved by Mr. Roberts, of Pennsylvania, prohibiting the further introduction of Slavery into the State, which, after a fortnight's debate, was defeated by 27 nays to 16 yeas.

The debate in the Senate was of unusual interest and splendor. It was especially illustrated by an effort of transcendent power from that great lawyer and orator, William Pinkney. Recently returned from a succession of missions to foreign courts, and at this time the acknowledged chief of the American bar, particularly skilled in questions of consti-

tutional law, his course as a Senator from Maryland was calculated to produce a profound impression. In a speech which drew to this chamber an admiring throng for two days, and which at the time was fondly compared with the best examples of Greece and Rome, he first authoritatively proposed and developed the Missouri Compromise. His masterly effort was mainly directed against the restriction upon Missouri, but it began and ended with the idea of compromise. "Notwithstanding," he says, "occasional appearances of rather an unfavorable description, I have long since persuaded myself that the *Missouri question*, as it is called, might be laid to rest, with innocence and safety, by some *conciliatory Compromise* at least, by which, as is our duty, we might reconcile the extremes of conflicting views and feelings, without any sacrifice of constitutional principles." And he closed with the hope that the restriction on Missouri would not be passed, but that the whole question "might be disposed of in a manner satisfactory to all, *by a prospective prohibition of Slavery in the Territory to the north and west of Missouri.*"

This authoritative proposition of Compromise, from the most powerful advocate of the unconditional admission of Missouri, was made in the Senate on the 21st of January. From various indications, it seems to have found prompt favor in that body. Finally, on the 17th of February, the union of Maine and Missouri in one bill prevailed there, by 23 yeas to 21 nays. On the next day, Mr. Thomas, of Illinois, who had always voted with the South against any restriction upon Missouri, introduced the famous clause prohibiting Slavery north of 36 deg. 30 min., which now constitutes the eighth section of the Missouri act. An effort was made to include the Arkansas Territory within this prohibition; but the South united against this extension of the area of Freedom, and it was defeated by 24 nays to 20 yeas. The prohibition, as moved by Mr. Thomas, then prevailed, by 34 yeas to only 10 nays. Among those in the affirmative were both the Senators from each of the slave States, Louisiana, Tennessee, Kentucky, Delaware, Maryland, and Alabama, and also one of the Senators from each of the slave States, Mississippi and North Carolina, including in the honorable list the familiar names of William Pinkney, James Brown, and William Rufus King.

This bill, as thus amended, is the first legislative embodiment of the Missouri Compact or Compromise, the essential conditions of which were, the admission of Missouri as a State, without any restriction of Slavery, and the prohibition of Slavery in all the remaining Territory of Louisiana north of 36 deg. 30 min. This bill, thus composed, containing these two propositions—this double measure—finally passed the Senate by a test vote of 24 yeas to 20 nays. The yeas embraced every Southern Senator, except Nathaniel Macon, of North Carolina, and William Smith, of South Carolina. The nays embraced every Northern Senator, except the two Senators from Illinois, and one Senator from Rhode Island, and one from New Hampshire. And this, sir, is the record of the first stage in the adoption of the Missouri Compromise. First openly announced and vindicated on the floor of the Senate, by a distinguished Southern statesman, it was forced on the North by an almost unanimous Southern vote.

While things had thus culminated in the Senate, discussion was still proceeding in the other House on the original Missouri bill. This was for a moment arrested by the reception from the Senate of the Maine bill, embodying the Missouri Compromise. Upon this, action was at once had, the Compromise was rejected, and the bill left in its original condition. This was done by large votes. Even the prohibition of Slavery was thrown out by 159 yeas to 18 nays, both the North and the South uniting against it. The Senate, on receiving the bill back from the House, insisted on their amendments. The House, in turn, insisted on their disagreement. According to parliamentary usage, a Committee of Conference between the two Houses was appointed. Mr. THOMAS, of Illinois, Mr. PINKNEY, of Maryland, and Mr. JAMES BARBOUR, of Virginia, composed this important committee on the part of the Senate; and Mr. HOLMES, of Maine, Mr. TAYLOR, of New York, Mr. LOWNDES, of South Carolina, Mr. PARKER, of Massachusetts, and Mr. KINSEY, of New Jersey, on the part of the House.

Meanwhile, the House had voted on the original Missouri bill. An amendment, peremptorily interdicting all Slavery in the new State, was adopted by 94 yeas to 86 nays; and thus the bill passed the House, and was sent to the Senate, March 1st. Thus, after an exasperated and protracted discussion, the two Houses were at a dead-lock. The double-headed Missouri Compromise was the ultimatum of the Senate. The restriction of Slavery in Missouri—involving, of course, its prohibition in the unorganized Territories—was the ultimatum of the House.

At this stage, on the 2d of March, the Committee of Conference made their report, which was urged at once upon the House by Mr. LOWNDES, the distinguished Representative from South Carolina, and one of her most precious sons, who objected to a motion to print, on the ground "that it would imply a determination in the House to delay a decision of the subject to-day, which he had hoped the House was fully prepared for." The question then came, on striking out the restriction in the Missouri bill. The report in the *National Intelligencer* says:—

"Mr. LOWNDES spoke briefly in support of the Compromise recommended by the Committee of Conference, and urged with great earnestness the propriety of a decision which would restore tranquillity to the country, which was demanded by every consideration of discretion, of moderation, of wisdom, and of virtue.

"Mr. MERCER, of Virginia, followed on the same side with great earnestness, and had spoken about half an hour, when he was compelled by indisposition to resume his seat."

In conformity with this report, this disturbing question was at once put at rest. Maine and Missouri were each admitted into the Union as independent States. The restriction of Slavery in Missouri was abandoned by a vote in the House of 90 yeas to 87 nays; and the prohibition of Slavery in all Territories north of 36 deg. 30 min., exclusive of Missouri, was substituted by a vote of 134 yeas to 42 nays. Among the distinguished Southern names in the affirmative are Louis M'Lane, of Delaware, Samuel Smith, of Maryland, William Lowndes, of South Carolina, and Charles Fenton Mercer, of Virginia. The title of the Missouri bill was amended in conformity with this prohibition, by adding the words, "and to prohibit Slavery in certain Territories." The bills then passed both Houses without a division; and, on the morning of the 3d March, 1820, the *National Intelligencer* contained an exulting article, entitled, "The Question Settled."

Another paper, published in Baltimore, immediately after the passage of the Compromise, vindicated it as a perpetual compact, which could not be dis-

turbed. The language is so clear and strong that I will read it, although it has been already quoted by my friend from Ohio [Mr. CHASE]:—

"*It is true the Compromise is supported only by the letter of the law, repealable by the authority which enacted it; but the circumstances of the case give this law a* MORAL FORCE *equal to that of a positive provision of the Constitution; and we do not hazard anything by saying that the Constitution exists in its observance.* Both parties have sacrificed much to conciliation. *We wish to see the* COMPACT *kept in good faith*, and we trust that a kind Providence will open the way to relieve us of an evil which every good citizen deprecates as the supreme curse of the country."—*Niles's Register.*

The distinguished leaders in this settlement were all from the South. As early as February, 1819, LOUIS M'LANE, of Delaware, had urged it upon Congress, "by some compact binding upon all subsequent legislatures." It was in 1820 brought forward and upheld in the Senate by WILLIAM PINKNEY of Maryland, and passed in that body by the vote of every Southern Senator except two, against the vote of every Northern Senator except four. The Committee of Conference, through which it finally prevailed, was filled, on the part of the Senate, with inflexible partisans of the South, such as might fitly represent the sentiments of its President, *pro tem.*, JOHN GAILLARD, a Senator from South Carolina; on the part of the House, it was nominated by HENRY CLAY, the Speaker, and Representative from Kentucky. This committee, thus constituted, drawing its double life from the South, was unanimous in favor of the Compromise. A private letter from Mr. PINKNEY, written at the time, and preserved by his distinguished biographer, shows that the report made by the committee came from him:—

"The bill for the admission of Missouri into the Union (*without* restriction as to Slavery) may be considered as past. That bill was sent back again this morning from the House, *with the restriction as to Slavery.* The Senate has concurred with it by striking out the restriction (27 to 15), and proposed, as another amendment, *what I have all along been the advocate of, a restriction upon the vacant territory to the north and west, as to Slavery.* To-night the House of Representatives have agreed to *both* of these amendments, in opposition to their former votes, and this affair is settled. To-morrow we shall (of course) receive from our amendments as to Maine (our object being effected), and both States will be admitted. *This happy result has been accomplished by the Conference, of which I was a member on the part of the Senate, and of which I proposed the report which has been made.*"

Thus again the Compromise takes its life from the South. Proposed in the committee by Mr. PINKNEY, it was urged on the House of Representatives, with great earnestness, by Mr. LOWNDES, of South Carolina, and Mr. MERCER, of Virginia; and here again is the most persuasive voice of the South. When passed by Congress, it next came before the President, James Monroe, of Virginia, for his approval, who did not sign it till after the unanimous opinion of his Cabinet, in writing, composed of John Quincy Adams, William H. Crawford, Smith Thompson, John C. Calhoun, and William Wirt—a majority of whom were Southern men—that the prohibition of Slavery in the Territories was constitutional. Thus yet again the Compromise takes its life from the South.

As the Compromise took its life from the South, so the South, in the judgment of its own statesmen at the time, and according to unquestionable facts, was the conquering party. It gained at once its darling object, the admission of Missouri as a Slave State; and subsequently the admission of Arkansas, also as a Slave State. From the crushed and humbled North, it received more than the full consideration stipulated in its favor. On the side of the North the contract has been more than executed. And now the South refuses to perform the part which it originally proposed and assumed. With the consideration in its pocket, it repudiates the bargain which it forced upon the country. This, sir, is a simple statement of the present question.

A subtle German has declared, that he could find heresies in the Lord's Prayer—and I believe it is only in this spirit that any flaw can be found in the existing obligations of this compact. As late as 1848, in the discussions of this body, the Senator from Virginia who sits behind me, [Mr. MASON,] while condemning it in many aspects, says:—

"Yet as it was agreed to as a Compromise by the *South* for the sake of the Union, *I would be the last to disturb it.*"—*Congressional Globe, Appendix, 1st Session, 30th Congress,* vol. xix., p. 887.

Even this distinguished Senator recognised it as an obligation which he would not disturb. And, though disbelieving the original constitutionality of the arrangement, he was clearly right. I know, sir, that it is in form simply a legislative act; but as the Act of Settlement in England, declaring the rights and liberties of the subject, and settling the succession of the Crown, has become a permanent part of the British Constitution, irrepealable by any common legislation, so this act, under all the circumstances attending its passage, also by long acquiescence and the complete performance of its conditions by one party, has become a part of our fundamental law, irrepealable by any common legislation. As well might Congress at this moment undertake to overhaul the original purchase of Louisiana, as unconstitutional, and now, on this account, thrust away that magnificent heritage, with all its cities, States, and Territories, teeming with civilization. The Missouri Compact, in its unperformed obligations to Freedom, stands at this day as impregnable as the Louisiana purchase.

I appeal to Senators about me, not to disturb it. I appeal to the Senators from Virginia, to keep inviolate the compact made in their behalf by James Barbour and Charles Fenton Mercer. I appeal to the Senators from South Carolina, to guard the work of John Gaillard and William Lowndes. I appeal to the Senators from Maryland, to uphold the Compromise which elicited the constant support of Samuel Smith, and was first triumphantly pressed by the unsurpassed eloquence of Pinkney. I appeal to the Senators from Delaware, to maintain the landmark of Freedom in the Territory of Louisiana, early espoused by Louis McLane. I appeal to the Senators from Kentucky, not to repudiate the pledges of Henry Clay. I appeal to the Senators from Alabama, not to break the agreement sanctioned by the earliest votes in the Senate of their late most cherished fellow-citizen, William Rufus King.

Sir, Congress may now set aside this obligation, repudiate this plighted faith, annul this compact; and some of you, forgetful of the *majesty of honest dealing*, in order to support Slavery, may consider it advantageous to use this power. To all such let me commend a familiar story: An eminent leader in antiquity, Themistocles, once announced to the Athenian Assembly, that he had a scheme to propose, highly beneficial to the state, but which could not be expounded to the many. Aristides, surnamed the Just, was appointed to receive the secret, and to report upon it. His brief and memorable judgment was, that, while nothing could be more advantageous to Athens, nothing could be more unjust; and the Athenian multitude, responding at once, rejected the proposition. It appears that it was proposed to burn the combined Greek fleet, which

then rested in the security of peace in a neighboring sea, and thus confirm the naval supremacy of Athens. A similar proposition is now brought before the American Senate. You are asked to destroy a safeguard of Freedom, consecrated by solemn compact, under which the country is now reposing in the security of peace, and thus confirm the supremacy of Slavery. To this institution and its partisans it may seem to be advantageous; but nothing can be more unjust. Let the judgment of the Athenian multitude be yours.

This is what I have to say on this head. I now pass to the second branch of the argument.

II. Mr. President, it is not only as an infraction of solemn compact, embodied in ancient law, that I arraign this bill. I arraign it also as a flagrant and extravagant departure from the original Anti-Slavery policy of our fathers.

And here, sir, bear with me in a brief recital of admitted facts. At the period of the Declaration of Independence there were upwards of half a million colored persons held in Slavery throughout the United Colonies. These unhappy people were originally stolen from Africa, or were the children of those who had been stolen, and, though distributed throughout the whole country, were to be found in largest number in the Southern States. But the spirit of Freedom then prevailed in the land. The fathers of the Republic, leaders in the war of Independence, were struck with the inconsistency of an appeal for their own liberties, while holding in bondage their fellow-men, "guilty of a skin not colored like their own." The same conviction animated the hearts of the people, whether at the North or South. At a town meeting, at Danbury, Connecticut, held on the 12th December, 1778, the following Declaration was made:—

"It is with singular pleasure we note the second article of the Association, in which it is agreed to import no more Negro Slaves, as we cannot but think it a palpable absurdity so loudly to complain of attempts to enslave us, while we are actually enslaving others."—*American Archives, Fourth Series*, vol. 1., p. 1038.

The South responded in similar strains. At a meeting in Darien, Georgia, in 1775, the following important resolution was put forth:—

"To show the world that we are not influenced by any contracted or interested motives, but by a general philanthropy for all mankind, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of Slavery (in however the uncultivated state of the country, or other specious arguments, may plead for it)—a practice founded in injustice and cruelty, and highly dangerous to our liberties as well as lives, debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest, and laying the basis of that liberty we contend for, and which we pray the Almighty to continue to the latest posterity, upon a very wrong foundation. We, therefore, resolve at all times to use our utmost endeavors for the manumission of our Slaves in this Colony, upon the most safe and equitable footing for the masters and themselves."—*American Archives, Fourth Series*, vol. 1, p. 1235.

The soul of Virginia, during this period, found also fervid utterance through JEFFERSON, who, by his precious and immortal words, has enrolled himself among the earliest Abolitionists of the country. In his address to the Virginia Convention of 1774, he openly avowed, while vindicating the rights of British America, that "the abolition of domestic Slavery is the greatest object of desire in these Colonies, *where it was unhappily introduced in their infant state.*" And then again, in the Declaration of Independence, he embodied sentiments which, when practically applied, will give freedom to every Slave throughout the land. "We hold these truths to be self-evident," says our country, speaking by the voice of JEFFERSON, "that all men are created equal; that they are endowed with certain inalienable rights; that among these are life, *liberty*, and the pursuit of happiness." And again, in the Congress of the Confederation, he brought forward, as early as 1784, a resolution to exclude Slavery from all the Territory "ceded or to be ceded" by the States of the Federal Government, including the whole territory now covered by Tennessee, Mississippi, and Alabama. Lost at first by a single vote only, this measure was substantially renewed at a subsequent day, by a son of Massachusetts, and in 1787 was finally confirmed in the Ordinance of the Northwestern Territory, by a unanimous vote of the States.

Thus early and distinctly do we discern the Anti-Slavery character of the founders of our Republic, and their determination to place the National Government, within the sphere of its jurisdiction, openly, actively, and perpetually, on the side of Freedom.

The Federal Constitution was adopted in 1788. And here we discern the same spirit. The emphatic words of the Declaration of Independence, which our country took upon its lips as baptismal vows, when it claimed its place among the nations of the earth, were not forgotten. The preamble to the Constitution renews them, when it declares its object to be, among other things, "to establish justice, to promote the general welfare, and to secure the blessings of liberty to ourselves and posterity." Thus, according to undeniable words, the Constitution was ordained, not to establish, secure, or sanction Slavery—not to promote the special interest of slaveholders—not to make Slavery national in any way, form, or manner—not to foster this great wrong, but to "establish justice," "promote the general welfare," and "secure the blessings of Liberty." The discreditable words *Slave* and *Slavery* were not allowed to find a place in this instrument, while a clause was subsequently added by way of amendment, and, therefore, according to the rules of interpretation, particularly revealing the sentiments of the founders, which is calculated, like the Declaration of Independence, if practically applied, to carry Freedom to all within the sphere of its influence. It was specifically declared that "no person shall be deprived of life, *liberty*, or property, without due process of law;" that is, without due presentment, indictment, or other judicial proceeding. Here is an express guard of personal Liberty, and an express interdict upon its invasion anywhere within the national jurisdiction.

It is evident, from the debates on the National Constitution, that Slavery, like the slave-trade, was regarded as temporary; and it seems to have been supposed by many that they would both disappear together. Nor do any words employed in our day denounce it with an indignation more burning than those which glowed on the lips of the Fathers. Early in the Convention, Gouverneur Morris, of Pennsylvania, broke forth in the language of an Abolitionist: "He never would concur in upholding domestic Slavery. It was a nefarious institution. It was the curse of Heaven." In another mood, and with mild, judicial phrase, Mr. Madison "thought it wrong to admit in the Constitution the idea of property in man." And WASHINGTON, in letters written near this period—which completely describe the aims of an Abolitionist—avowed that "it was among his first wishes to see some plan adopted by which Slavery may be abolished by law," and that to this end "his suffrage should not be wanting."

In this spirit was the National Constitution adopt-

ed. In this spirit the National Government was first organized under Washington. And here there is a fact of peculiar significance, well worthy of perpetual remembrance. At the time that this great chief took his first oath to support the Constitution of the United States, *the national ensign nowhere within the national territory covered a single slave.* On the sea an execrable piracy, the trade in slaves, was still, to the national scandal, tolerated under the national flag. In the States, as a sectional institution, beneath the shelter of local laws, Slavery unhappily found a home. But in the only Territories at this time belonging to the Nation, the broad region of the Northwest, it had already, by the Ordinance of Freedom, been made impossible, even before the adoption of the Constitution. The District of Columbia, with its fatal dowry, had not yet been acquired.

Entering upon his high duties, WASHINGTON himself an Abolitionist, was surrounded by men who, by their lives and declared opinions, were pledged to warfare with Slavery. There was JOHN ADAMS, the Vice-President, who had early announced that "consenting to Slavery is a sacrilegious breach of trust." There was ALEXANDER HAMILTON, who, as a member of the Abolition Society of New York, had only recently united in a solemn petition for those who, "though *free by the laws of God*, are held in slavery *by the laws* of the State." There was, also, another character of spotless purity and commanding influence, JOHN JAY, President of the Abolition Society of New York, until by the nomination of WASHINGTON he became Chief-Justice of the United States. In his sight Slavery was an "iniquity"—"a sin of crimson dye," against which ministers of the Gospel should testify, and which the Government should seek in every way to abolish. "Were I in the Legislature," he wrote, "I would present a bill for the purpose with great care, and I would never cease moving it till it became a law or I ceased to be a member. Till America comes into this measure, her prayers to Heaven will be impious." By such men was WASHINGTON surrounded, while from his own Virginia came the voice of PATRICK HENRY, amid confessions that he was a master of slaves, crying, "I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to Virtue as to own the excellence and rectitude of her precepts and lament my want of conformity to them." Such words as these, fitly coming from our leaders, belong to the true glories of the country:

"While we such precedents can boast at home,
Keep thy Fabricius and thy Cato, Rome!"

The earliest Congress under the Constitution adopted the ordinance of Freedom for the Northwestern Territory, and thus ratified the prohibition of Slavery in all the existing Territories of the Union. Among those who sanctioned this act were men fresh from the labors of the Convention, and therefore familiar with its policy. But there is another voice which bears testimony in the same direction. Among the petitions presented to the first Congress, was one from the Abolition Society of Pennsylvania, signed by BENJAMIN FRANKLIN, as President. This venerable votary of Freedom, who, throughout a long life, had splendidly served his country, at home and abroad—whose name, signed to the Declaration of Independence, gave added importance even to that great instrument, and then again, signed to the Constitution of the United States, filled it with the charm of wisdom—in whom, more than in any other man, the true spirit of American Institutions, at once practical and humane, was embodied—who knew intimately the purposes and aspirations of the founders—this veteran statesman, then eighty-four years of age, appeared at the bar of that Congress, whose powers he had helped to define and establish, and, by the last political act of his long life, solemnly entreated "that it would be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of Freedom, are degraded into perpetual bondage," and "that it would step to the very verge of the power vested in it for DISCOURAGING every species of traffic in the persons of our fellow-men." Only a short time after uttering this prayer, the patriot statesman descended to the tomb; but he seems still to call upon Congress, in memorable words, *to step to the very verge of the powers vested in it to discourage Slavery;* and in making this prayer, he proclaims the true national policy of the Fathers. Not encouragement, but discouragement of Slavery, was their rule.

The memorial of FRANKLIN, with other memorials of a similar character, was referred to a Committee, and much debated in the House, which finally sanctioned the following resolution, and directed the same to be entered upon its journals, viz.:

"That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States to provide any regulations therein, which humanity and true policy may require."

This resolution, declaring the principle of non-intervention by Congress with Slavery in the States, was adopted by the same Congress which had solemnly affirmed the prohibition of Slavery in all the existing territory of the Union. And it is on these double acts, at the first organization of the Government, and the recorded sentiments of the founders, that I take my stand, and challenge all question.

At this time there was, strictly, no dividing line in the country between Anti-Slavery and Pro-Slavery. The Anti-Slavery interest was thoroughly national, pervading alike all parts of the Union, and having its source in the common sentiment of the entire people. The Pro-Slavery interest was strictly local, personal, and pecuniary, and had its source simply in the individual relations of slaveholders. It contemplated Slavery only as a domestic institution—not as a political element—and merely stipulated for its security where it actually existed within the States.

Sir, the original policy of the country is clear and unmistakeable. Compendiously expressed, it was non-intervention by Congress with Slavery in the States, and its prohibition in all the national domain. In this way the discordant feelings on this subject were reconciled. Slave-masters were left at home, in their respective States, to hug Slavery, under the protection of local laws, without any interference from Congress, while all opposed to it were exempted from any responsibility for it in the national domain. This, sir, is the common ground on which our political fabric was reared; and I do not hesitate to say that it is the only ground on which it can stand in permanent peace.

It is beyond question, sir, that our Constitution was framed by the lovers of Human Rights; that it was animated by their divine spirit; that the institution of Slavery was regarded by them with aversion, so that, though covertly alluded to, it was not named in the instrument; that, according to the debates in the Convention, they refused to give it any "sanction," and looked forward to the certain day when this evil and shame would be obliterated from the land. But the original policy of the Gov-

ornament did not long prevail. The generous sentiments which filled the early patriots, giving to them historic grandeur, gradually lost their power. The blessings of Freedom being already secured to themselves, the freemen of the land grew indifferent to the freedom of others. They ceased to think of the slaves. The slave-masters availed themselves of this indifference, and, though few in numbers, compared with the non-slaveholders, even in the slave States, they have, under the influence of an imagined self-interest, by the skilful tactics of party, and especially by an unhesitating, persevering union among themselves—swaying, by turns, both the great political parties—succeeded through a long succession of years, in obtaining the control of the Federal Government, bending it to their purposes, compelling it to do their will, and imposing upon it a policy friendly to Slavery, offensive to Freedom only, and directly opposed to the sentiments of its founders. Our Republic has grown in population and power; but it has fallen from its early moral greatness. It is not now what it was at the beginning—a Republic merely permitting, while it regretted Slavery; tolerating it only where it could not be removed, and interdicting it where it did not exist—but a mighty Propagandist openly favoring and vindicating it; visiting, also, with displeasure all who oppose it.

The extent to which the original policy of the Government has been changed can be placed beyond question. Early in our history no man was disqualified for public office by reason of his opinions on this subject; and this condition continued for a long period. As late as 1821, JOHN W. TAYLOR, of New York, who had pressed with so much energy, not merely the prohibition of Slavery in the Territories, but its restriction in the State of Missouri, was elected to the chair of HENRY CLAY, as Speaker of the other House. It is needless to add, that no determined supporter of the Wilmot Proviso at this day could expect that eminent trust. An arrogant and unrelenting ostracism is now applied, not only to all who express themselves against Slavery, but to every man who will not be its menial. A novel test for office has been introduced, which would have excluded all the Fathers of the Republic—even WASHINGTON, JEFFERSON, and FRANKLIN. Yes, Sir, startling it may be, but indisputable. Could these illustrious men descend from their realms above, and revisit the land which they had nobly dedicated to Freedom, they could not, with their well-known and recorded opinions against Slavery, receive a nomination for the Presidency from either of the old political parties. Nor could JOHN JAY, our first Chief Justice, and great exampler of judicial virtue—who hated Slavery as he loved justice—be admitted to resume those duties with which his name on earth is indissolubly associated. To such extent has our Government departed from the ancient ways.

These facts prepare us to comprehend the true character of the change with regard to the Territories. In 1787, all the existing national domain was promptly and unanimously dedicated to Freedom, without opposition or criticism. The interdict of Slavery then covered every inch of soil belonging to the National Government. Louisiana, an immense region beyond the bounds of the original States, was afterwards acquired, and, in 1820, after a vehement struggle, which shook the whole land, discomfited Freedom was compelled, by a dividing line, to a partition with Slavery. This arrangement, which, in its very terms, was exclusively applicable to a particular territory acquired from France, has been accepted as final down to the present session of Congress; but now, Sir, here in 1854, Freedom is suddenly summoned to surrender even her hard-won moiety of this territory. Here are the three stages: at the first, all is consecrated to Freedom: at the second, only half; while at the third, all is to be opened to Slavery. Thus is the original policy of the Government absolutely reversed. Slavery, which, at the beginning, was a sectional institution, with no foothold anywhere on the national territory, is now exalted as a national institution, and all our broad domain is threatened by its blighting shadow.

But the prohibition of Slavery in the Territories is assailed as unconstitutional, and on this account the Missouri Compromise is pronounced void and of no effect. Now, without considering minutely the sources from which the power of Congress over the national domain is derived—whether from the express grant in the Constitution to make rules and regulations for the government of the Territory, or from the power necessarily implied to govern territory acquired by conquest or purchase—it seems to me impossible to deny its existence without invalidating a large portion of the legislation of the country, from the adoption of the Constitution down to the present day. This power was asserted before the Constitution. It was not denied or prohibited by the Constitution itself. It has been exercised from the first existence of the Government, and has been recognized by the three departments of the Government—the Executive, the Legislative, and the Judicial. Precedents of every kind are thick in its support. Indeed, the very bill now before us assumes a control of the Territory clearly inconsistent with those principles of sovereignty which are said to be violated by a Congressional prohibition of Slavery.

Here are provisions, determining the main features in the Government—the distribution of powers in the Executive, the Legislative, and Judicial departments, and the manner in which they shall be respectively constituted—securing to the President, with the consent of the Senate, the appointment of the Governor, the Secretary, and the Judges, and to the people the election of the Legislature—ordaining the qualifications of voters, the salaries of the public officers, and the daily compensation of the members of the Legislature. Surely, if Congress may establish these provisions, without any interference with the rights of territorial sovereignty, it may also prohibit Slavery.

But there is in the very bill an express prohibition on the Territory, borrowed from the Ordinance of 1787, and repeated in every act organizing a Territory, or even a new State, down to the present time, wherein it is expressly declared that "no tax should be imposed upon the property of the United States." Now, here is a clear and unquestionable restraint upon the sovereignty of Territories and States. The public lands of the United States, situated within an organized Territory or State, cannot be regarded as the *instruments* and *means* necessary and proper to execute the sovereign powers of the nation, like fortifications, arsenals, and navy-yards. They are strictly in the nature of *private property* of the nation; and as such, unless exempted by the foregoing prohibition, would clearly be within the field of local taxation, liable, like the lands of other proprietors, to all customary burdens and incidents. Mr. Justice WOODBURY has declared, in a well-considered judgment, that "where the United States own land situated within the limits of particular

States, and over which they have no cession of jurisdiction, for objects either special or general, little doubt exists that the rights and remedies in relation to it are usually the same as apply to other landholders within the States." (United States *vs.* 1 Woodbury and Miuot, p. 76.) I assume, then, that without this prohibition these lands would be liable to taxation. Does any one question this? Nobody. The conclusion then follows, that by this prohibition you propose to deprive the present Territory—as you have deprived other Territories—aye, and States—of an essential portion of its sovereignty.

The Supreme Court of the United States have given great prominence to the sovereign right of taxation in the States. In the case of Providence Bank *vs.* Pitman, 4 Peters, 514, they declare:

"That the taxing power is of vital importance; *that it is essential to the existence of Government*; that the relinquishment of such power is never to be assumed."

And again, in the case of Dobbins *vs.* Commissioners of Erie County, 16 Peters, 447, they say:

"Taxation is a sacred right, essential to the existence of Government—and incident of sovereignty. The right of legislation is coextensive with the incident, to attach it upon all persons and property within the jurisdiction of the State."

Now I call upon the Senate to remark, that this sacred right, said to be essential to the very existence of Government, is abridged in the bill now before us.

For myself, I do not doubt the power of Congress to fasten this restriction upon the Territory, and afterwards upon the State, as has always been done; but I am at a loss to see on what grounds this can be placed, which will not also support the prohibition of Slavery. The former is an unquestionable infringement of sovereignty, as declared by our Supreme Court, far more than can be asserted of the latter.

I am unwilling to admit, Sir, that the prohibition of Slavery in the Territories is in any just sense an infringement of the local sovereignty. Slavery is an infraction of the immutable law of nature, and, as such, cannot be considered a natural incident to any sovereignty, especially in a country which has solemnly declared, in its Declaration of Independence, the inalienable right of all men to life, *liberty*, and the pursuit of happiness. In an age of civilization and in a land of rights, Slavery may still be tolerated in fact; but its prohibition, within a municipal jurisdiction, by the Government thereof, as by one of the States of the Union, cannot be considered an infraction of natural right; nor can its prohibition by Congress in the Territories be regarded as an infringement of the local sovereignty. The asserted right to make a slave is against natural right, and can be no just element of sovereignty.

But another argument is pressed, which seems most fallacious in its character. It is asserted that, inasmuch as the Territories were acquired by the common treasure, they are the common property of the whole Union; and therefore no citizen can be prevented from moving into them with his slaves, without an infringement of the equal rights and privileges which belong to him as a citizen of the United States. But it is admitted that the people of this very Territory, when organized as a State, may exclude slaves, and in this way abridge an asserted right founded on the common property in the Territory. Now, if this can be done by the few thousand settlers who constitute the State Government, the whole argument founded on the acquisition of the Territories by a common treasure falls to the ground.

But this argument proceeds on an assumption which cannot stand. It assumes that Slavery is a national institution, and that property in slaves is recognized by the Constitution of the United States. Nothing can be more false. By the judgment of the Supreme Court of the United States, and also by the principles of the common law, Slavery is a local municipal institution, which derives its support exclusively from local municipal laws, and beyond the sphere of these laws it ceases to exist, except so far as it may be preserved by the clause for the rendition of fugitives from labor. MADISON thought it wrong to admit into the Constitution the idea that there can be property in man; and I rejoice to believe that no such idea can be found there. The Constitution regards slaves always as "persons," with the rights of "persons"—never as property. When it is said, therefore, that every citizen may enter the national domain with his property, it does not follow, by any rule of logic, or of law, that he may carry his slaves. On the contrary, he can only carry that property which is admitted to be such by the universal law of nature, written by God's own finger on the heart of man.

Again: The relation of master and slave is sometimes classed with the domestic relations. Now, while it is unquestionably within the power of any State, within its own jurisdiction, to change the existing relation of husband and wife, and to establish polygamy, I presume no person would contend that a polygamous husband, resident in one of the States, would be entitled to enter the national territory with his harem—his property if you please—and there claim immunity from all Congressional prohibition. Clearly, when he passes the bounds of that local jurisdiction, which sanctions polygamy, the peculiar domestic relation would cease; and it is precisely the same with Slavery.

Sir, I dismiss these considerations. The prohibition of Slavery in the Territory of Nebraska stands on grounds of adamant, upheld by constant precedent and time-honored compact. It is now in your power to overturn it; you may remove the sacred land-mark; and open the whole vast domain to Slavery. To you is committed this great prerogative. Our fathers, on the eve of the Revolution, set forth in burning words, among their grievances, that George III, "in order to keep open a market where men should be bought and sold, had prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce." Sir, like the English monarch, you may now prostitute your power to this same purpose. But you cannot escape the judgment of the world, nor the doom of history.

It will be in vain that, while doing this thing, you plead, in apology, the principle of self-government which you profess to recognize in the Territories. Sir, this very principle, when truly administered, secures equal rights to all, without distinction of color or race, and makes Slavery impossible. By no rule of justice, and by no subtlety of political metaphysics, can the right to hold a fellow-man in bondage be regarded as essential to self-government. The inconsistency is too flagrant. It is apparent on the bare statement. In the name of Liberty you open the door to Slavery. With professions of equal rights on the lips, you trample on the rights of human nature. With a kiss upon the brow of that fair Territory, you betray it to wretchedness and sorrow. Well did the ancient exclaim, in bitter words, wrung

out by bitter experience: "Oh, Liberty, what crimes are done in thy name!"

In vain, Sir, you will plead that this measure proceeds from the North, as has been suggested by the Senator from Kentucky, [Mr. DIXON.] Even if this were true, it would be no apology. But, precipitated as this bill has been upon the Senate, at a moment of general calm, and in the absence of any controlling exigency, and then hurried to a vote in advance of the public voice, as if fearful of arrest, it cannot be justly said to be the offspring of any popular sentiment. In this respect it differs widely from the Missouri compact, which, after solemn debate, extending through two sessions of Congress, and ample discussion before the people, was adopted. Certainly there is, as yet, no evidence that this measure, though supported by Northern men, proceeds from that Northern sentiment which is to be found strong and fresh in the schools, the churches, and homes of the people. Could this proposition be now submitted to the millions of the North for their decision, it would be rejected by an overwhelming voice.

It is one of the melancholy tokens of the power of Slavery, under our political system, and especially through the operations of the National Government, that it loosens and destroys the character of Northern men, even at a distance—like the black magnetic mountain in the Arabian story, under whose irresistible attraction the iron bolts, which held together the strong timbers of a stately ship, were drawn out, till the whole fell apart, and became a disjointed wreck. Those principles, which constitute the individuality of the Northern character—which render it staunch, strong, and seaworthy—which bind it together as with iron—are drawn out, one by one, like the bolts of the ill-fated vessel, and from the miserable loosened fragments is formed that human anomaly—*a Northern man with Southern principles.* Such men cannot speak for the North.

[Here the Senator was interrupted by a burst of applause from the galleries.]

Mr. President, this bill is proposed as a measure of peace. In this way, you vainly think to withdraw the subject of Slavery from National politics. This is a mistake. Peace depends on mutual confidence. It can never rest secure on broken faith and injustice. And, Sir, permit me to say, frankly, sincerely, and earnestly, that the subject of Slavery can never be withdrawn from the National politics, until we return once more to the original policy of our fathers, at the first organization of the Government, under WASHINGTON, when the National ensign nowhere on the National territory covered a single slave.

Slavery, which our fathers branded as an "evil," a "curse," an "enormity," a "nefarious institution," is condemned at the North by the strongest convictions of the reason and the best sentiments of the heart. It is the only subject, within the field of National politics, which excites any real interest. The old matters which have divided the minds of men have lost their importance. One by one they have disappeared, leaving the ground to be occupied by a question grander far. The Bank, Sub-Treasury, the Distribution of the Public Lands, are each and all obsolete issues. Even the Tariff is not a question on which opposite political parties are united in taking opposite sides. And now, instead of these superseded questions, which were connected for the most part with the odor of the dollar, the country is directly summoned to consider, face to face, a cause which is connected with all that is divine in religion, with all that is pure and noble in morals, with all that is truly practical and constitutional in politics. Unlike the other questions, it is not temporary or local in its character. It belongs to all times and to all countries. Though long kept in check, it now, by your introduction, confronts the people, demanding to be heard. To every man in the land it says, with clear, penetrating voice, "Are you for Freedom, or are you for Slavery?" And every man in the land must answer this question when he votes.

Pass this bill, and it will be in vain that you say the Slavery question is settled. Sir, *nothing can be settled which is not right.* Nothing can be settled which is adverse to Freedom. God, nature, and all the holy sentiments of the heart, repudiate any such false seeming settlement.

Now, Sir, mark the clear line of our duty. And here let me speak for those with whom, in minority and defeat, I am proud to be associated—the Independent Democrats, who espouse that Democracy which is transfigured in the Declaration of Independence and the injunctions of Christianity. The testimony which we bear against Slavery, as against all other wrong, is in different ways, according to our position. The Slavery which exists under other Governments, as in Russia or Turkey, or in other States of the Union, as in Virginia and Carolina, we can oppose only through the influence of morals and religion, without in any way invoking the political power. Nor is it proposed to act otherwise. But Slavery, where we are parties to it—where we are responsible for it—must be opposed, not only by all the influence of morals and religion, but directly by every instrument of political power. In the States it is sustained by local laws; and although we may be compelled to share the shame which its presence inflicts upon the fair fame of the country, yet it receives no direct sanction at our hands. We are not responsible for it. The wrong is not at our own particular doors. But Slavery everywhere under the Constitution of the United States—everywhere within the exclusive jurisdiction of the National Government—everywhere under the National Flag—is at our own particular doors, and exists there in defiance of the original policy of our fathers, and of the true principles of the Constitution.

It is a mistake to say, as is often charged, that we seek—I speak for those with whom I am proud to be associated—to interfere, through Congress, with Slavery in the States, or in any way to direct the legislation of Congress upon subjects not within its jurisdiction. Our *political* aims, as well as our *political* duties, are coextensive with our *political* responsibilities. And, since we at the North are responsible for Slavery wherever it exists under the jurisdiction of Congress, it is unpardonable in us not to exert every power we possess to enlist Congress against it.

Such is our cause. To men of all parties and opinions, who wish well to the Republic, and would preserve its good name, it appeals. Alike to the Conservative and the Reformer, it appeals; for it stands on the truest Conservatism and the truest Reform. In seeking the reform of existing evils, we seek also the conservation of the principles of our fathers. The cause is not sectional; for it simply aims to establish under the National Government those great principles of Justice and Humanity, which are broad and universal as man. As well might it be said that JEFFERSON, FRANKLIN, and WASHINGTON were sectional. It is not aggressive; for it does not seek in any way to interfere, through Congress, with Slavery in the States. It is not contrary

to the Constitution; for it recognizes this paramount law, and in the administration of the Government invokes the spirit of its founders. Sir, it is not hostile to the quiet of the country; for it proposes the only course by which agitation can be allayed and quiet be permanently established.

It is not uncommon to hear persons declare that they are against Slavery, and are willing to unite in any practical efforts to make this opposition felt. At the same time, they pharisaically visit with condemnation, with reproach or contempt, the earnest souls who for years have striven in this struggle. To such I would say—could I reach them now with my voice—if you are sincere in what you declare; if your words are not merely lip service; if in your hearts you are entirely willing to join in any practical efforts against Slavery, then, by your lives, by your conversation, by your influence, by your votes—disregarding "the ancient forms of party strife"—seek to carry the principles of Freedom into the National Government, wherever its jurisdiction is acknowledged, and its power can be felt. Thus, without any interference with the States, which are beyond this jurisdiction, may you help to erase the blot of Slavery from our National brow.

Do this and you will most truly promote the harmony which you so much desire. You will establish tranquillity throughout the country. Then, at last, Sir, the Slavery question will be settled. Banished from its usurped foothold under the National Government, Slavery will no longer enter, with distracting force, into the national politics—making and unmaking laws, making and unmaking Presidents. Confined to the States, where it was left by the Constitution, it will take its place as a local institution, if, alas! continue it must! for which we are in no sense responsible, and against which we cannot justly exert any political power. We shall be relieved from our present painful and irritating connection with it. The existing antagonism between the North and the South will be softened; crimination and recrimination will cease; the wish of the Fathers will be fulfilled, and this great evil be left to the kingly influence of morals and religion, and the great laws of social economy.

I am not blind to the adverse signs. But this I see clearly. Amid all seeming discouragements the great omens are with us. Art, literature, poetry, religion—everything which elevates man—all are on our side. The plow, the steam engine, the railroad, the telegraph, the book, every human improvement, every generous word anywhere, every true pulsation of every heart which is not a mere muscle, and nothing else, gives new encouragement to the warfare with Slavery. The discussion will proceed. The devices of party can no longer stave it off. The subterfuges of the politician cannot escape it. The tricks of the office-seeker cannot dodge it. Wherever an election occurs, there this question will arise. Wherever men come together to speak of public affairs, there again it will be. No political Joshua now, with miraculous power, can stop the sun in his course through the heavens. It is even now rejoicing, like a strong man, to run its race, and will yet send its beams into the most distant plantations—ay, and melt the chains of every slave.

But this movement—or agitation, as it is reproachfully called—is boldly pronounced injurious to the very object desired. Now, without entering into details, which neither time nor the occasion justifies, let me say that this objection belongs to those commonplaces, which have been arrayed against every beneficent movement in the world's history—against even knowledge itself—against the abolition of the Slave-trade. Perhaps it was not unnatural for the Senator from North Carolina (Mr. BADGER) to press it, even as vehemently as he did; but it sounded less natural when it came, in more moderate phrase, from my distinguished friend and colleague (Mr. EVERETT). The past furnishes a controlling example by which its true character may be determined. Do not forget, Sir, that the efforts of WILLIAM WILBERFORCE encountered this precise objection, and that the condition of the kidnapped slave was then vindicated in language not unlike that of the Senator from North Carolina, by no less a person than the Duke of CLARENCE, of the Royal family, in what was called his maiden speech, on May 3, 1792, and preserved in the Parliamentary Debates. "The negroes," he said, "were not treated in the manner which had so much agitated the public mind. He had been an attentive observer of their state, and had no doubt that he could bring forward proofs to convince their lordships that their state was far from being miserable; on the contrary, that when the various ranks of society were considered, they were comparatively in a state of humble happiness." And only the next year this same royal prince, in debate in the House of Lords, asserted that the promoters of the abolition of the slave-trade were "either fanatics or hypocrites," and in one of these classes he declared that he ranked WILBERFORCE. Mark now the end. After years of weary effort, the slave-trade was finally abolished; and at last in 1837, the early vindicator of even this enormity, the maligner of a name hallowed among men, was brought to give his royal assent, as WILLIAM IV., King of Great Britain, to the immortal act of Parliament by which Slavery was abolished throughout the British dominions. Sir, time and the universal conscience have vindicated the labors of WILBERFORCE. The American movement against Slavery, sanctioned by the august names of WASHINGTON, FRANKLIN, and JEFFERSON, can calmly await a similar judgment.

But it is suggested that, in this movement, there is danger to the Union. Of this solicitude I cannot share. As a lover of concord, and a jealous partisan of all things that make for peace, I am always glad to express my attachment to the Union; but I believe that this bond will be most truly preserved and most beneficently extended (for I shrink from no expansion where Freedom leads the way) by firmly upholding those principles of Liberty and Justice which were made its early corner-stones. The true danger to this Union proceeds, not from any abandonment of the "peculiar institution" of the South; but from the abandonment of the spirit in which the Union was formed;—not from any warfare, within the limits of the Constitution, upon Slavery; but from warfare, like that waged by this very bill, upon Freedom. The Union is most precious; but more precious far are that "general welfare," "domestic tranquillity," and those "blessings of Liberty," which it was established to secure; all of which are now wantonly endangered.

One word more, and I have done. The great master, SHAKSPERE, who with all-seeing mortal eye observed mankind, and with immortal pen depicted the manners as they rise, has presented a scene which may be read with advantage by all who would plunge the South into tempestuous quarrel with the North. I refer to the well-known dialogue between Brutus and Cassius. Reading this remarkable passage, it is difficult not to see in Brutus our own North, and in Cassius the South:—

Cassius. Urge me no more; I shall forget myself;
Have mind upon your health; tempt me no further.

Brutus. ..... Hear me, for I will speak.
Must I give way and run to your rash choler?
Cassius. O ye gods! ye gods! must I endure all this?
Brutus. All this? ay, and more. Fret till your proud heart break;
Go, show your slaves how choleric you are,
And make your bondmen tremble. Must I budge?
Must I observe you? Must I stand and crouch
Under your testy humor?
Cassius. Do not presume too much upon my love;
I may do that I shall be sorry for.
Brutus. You have done that you should be sorry for.
There is no terror, Cassius, in your threats;
For I am armed so strong in honesty,
That they pass by me as the idle wind,
Which I respect not.
Cassius. A friend should bear his friend's infirmities;
But Brutus makes mine greater than they are.
Brutus. I do not, TILL YOU PRACTISE THEM ON ME.
Cassius. You love me not.
Brutus. ..... I do not like your faults.
JULIUS CÆSAR, *Act IV., Scene III.*

And the colloquy proceeding, each finally comes to understand the other, appreciates his character and attitude; and the impetuous, gallant Cassius exclaims, "Give me your hand;" to which Brutus replies, "And my heart too." Afterwards, with heart and hand united, on the field of Philippi they together upheld the liberties of Rome.

The North and the South, sir, as I fondly trust, amidst all differences of opinion, will always have a hand and a heart for each other; and, believing in the sure prevalence of almighty truth, I confidently look forward to the good time when both will unite, according to the sentiments of the Fathers and the true spirit of the Constitution, in declaring Freedom and not Slavery *national*, while Slavery and not Freedom shall be *sectional*. Then will be achieved that UNION, contemplated at the beginning, against which the storms of faction and the assaults of foreign power will beat in vain, as upon the Rock of Ages; and Freedom, seeking a firm foothold, will at last have where to stand and move the world!

THE END.